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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 32—THE FEDERAL LAND BANK OF SPOKANE

FEES

Section 32.3 of Title 6, Code of Federal Regulations, is revoked.

(Res. Bd. Dir. January 19, 1949)

THE FEDERAL LAND BANK
OF SPOKANE,

[SEAL] S. C. FISH,
Vice President.

[F. R. Doc. 49-5055; Filed, June 23, 1949;
8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS¹

UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATED ORANGE JUICE²

On March 1, 1949, a notice of rule making was published in the FEDERAL REGISTER (14 F. R. 920), regarding proposed United States Standards for Grades of Frozen Concentrated Orange Juice. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Concentrated Orange

¹ The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

² The requirements of these standards shall not excuse failure to comply with applicable State laws and regulations.

Juice² are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1948 (Pub Law 712, 80th Cong., approved June 19, 1948):

§ 52.492 *Frozen concentrated orange juice.* (a) Frozen concentrated orange juice is the frozen product of concentrated, unfermented juice obtained from sound, mature fruit of the sweet orange group (*Citrus sinensis*) and Mandarin group (*Citrus reticulata*), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice to assure a clean product. Upon extraction of such juice, it is concentrated; and no ingredient other than fresh orange juice extracted from sorted and washed fruit, as aforesaid, may be admixed to the concentrate, or to the juice before concentration. Such concentrate is standardized to a Brix value of not less than 41.5 degrees nor more than 43.5 degrees. The concentrate is packed in accordance with good commercial practice, frozen, and stored at temperatures necessary for the preservation of the product.

(b) *Grades of frozen concentrated orange juice.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrated orange juice of which the reconstituted juice possesses the appearance of fresh orange juice; possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrated orange juice of which the reconstituted juice possesses a good color; is reasonably free from defects; possesses a good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of frozen concentrated orange juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

(c) *Recommended fill of container.* The recommended fill of container is not

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incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades." It is recommended that the container be filled with frozen concentrated orange juice as full as practicable without impairment of quality.

(d) *Ascertaining the grade.* The grade of frozen concentrated orange juice is ascertained by determining, in addition to the foregoing requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
(1) Color	20
(2) Absence of defects	40
(3) Flavor	40
Total score	100

(e) *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, the range "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen concentrated orange juice of which the reconstituted juice possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the color is the bright yellow to yellow-orange color typical of fresh orange juice.

(ii) If the reconstituted juice possesses a "good color," a score of 14 to 16 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice, which may be dull but not off color.

(iii) If the reconstituted juice is off color for any reason, a score of 0 to 13 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from particles of membrane, core, skin, seeds and portions thereof, recoverable oil, and other defects.

(i) Frozen concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present: (a) Small seeds or portions thereof that pass through a screen with perforations not exceeding $\frac{1}{16}$ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice; (b) juice cells that do not materially affect the appearance or drinking quality of the juice; or (c) other defects that are not more than slightly objectionable. To score in this classifica-

tion the frozen concentrated orange juice may contain not more than 0.120 milliliter of recoverable oil per 100 grams of the concentrated product.

(ii) If the reconstituted juice is reasonably free from defects, a score of 28 to 33 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present: (a) Small seeds or portions thereof that pass through a screen with perforations not exceeding $\frac{1}{8}$ inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice; (b) juice cells that do not seriously affect the appearance or drinking quality of the juice; or (c) other defects that are not materially objectionable. To score in this classification the frozen concentrated orange juice may contain not more than 0.120 milliliter of recoverable oil per 100 grams of the concentrated product.

(iii) Frozen concentrated orange juice that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (1) Frozen concentrated orange juice of which the reconstituted juice possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means that the flavor is typical of fine distinct fresh orange juice extracted from fresh mature sweet oranges. To score not less than 34 points frozen concentrated orange juice must meet whichever of the following additional requirements is applicable:

(a) If produced from oranges grown in the State of California the ratio of Brix value to acid is not less than 10 to 1 nor more than 16 to 1. (See Table No. I.)

(b) If produced from oranges grown in the State of Florida the ratio of Brix value to acid is not less than 12 to 1 nor more than 18 to 1. (See Table No. II.)

(ii) If the reconstituted juice possesses a good flavor, a score of 28 to 33 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of fresh orange juice extracted from fresh mature sweet oranges and is free from abnormal or off flavors of any kind. To score not less than 28 points frozen concentrated orange juice must meet whichever of the following additional requirements is applicable:

(a) If produced from oranges grown in the State of California the ratio of Brix value to acid is not less than 9 to 1 nor more than 17 to 1. (See Table No. 1.)

(b) If produced from oranges grown in the State of Florida the ratio of Brix value to acid is not less than 10 to 1 nor more than 19 to 1. (See Table No. II.)

(iii) If the frozen concentrated orange juice fails to meet the requirements of subdivision (ii) of this subparagraph for any reason, a score of 0 to 27 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE NO. I—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED ORANGE JUICE PRODUCED FROM ORANGES GROWN IN CALIFORNIA

Brix value of the concentrate in degrees Brix	U. S. Grade A or U. S. Fancy		U. S. Grade B or U. S. Choice	
	Ratio 10:1	Ratio 16:1	Ratio 9:1	Ratio 17:1
	Acid (percent by weight)		Acid (percent by weight)	
	Maximum	Minimum	Maximum	Minimum
41.5°	4.15	2.59	4.61	2.44
41.6°	4.16	2.60	4.62	2.45
41.7°	4.17	2.61	4.63	2.45
41.8°	4.18	2.61	4.64	2.46
41.9°	4.19	2.62	4.66	2.46
42.0°	4.20	2.62	4.67	2.47
42.1°	4.21	2.63	4.68	2.48
42.2°	4.22	2.64	4.69	2.48
42.3°	4.23	2.64	4.70	2.49
42.4°	4.24	2.65	4.71	2.49
42.5°	4.25	2.66	4.72	2.50
42.6°	4.26	2.66	4.73	2.51
42.7°	4.27	2.67	4.74	2.51
42.8°	4.28	2.68	4.76	2.52
42.9°	4.29	2.68	4.77	2.52
43.0°	4.30	2.69	4.78	2.53
43.1°	4.31	2.69	4.79	2.53
43.2°	4.32	2.70	4.80	2.54
43.3°	4.33	2.71	4.81	2.55
43.4°	4.34	2.71	4.82	2.55
43.5°	4.35	2.72	4.83	2.56

TABLE NO. II—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED ORANGE JUICE PRODUCED FROM ORANGES GROWN IN FLORIDA

Brix value of the concentrate in degrees Brix	U. S. Grade A or U. S. Fancy		U. S. Grade B or U. S. Choice	
	Ratio 12:1	Ratio 18:1	Ratio 10:1	Ratio 19:1
	Acid (percent by weight)		Acid (percent by weight)	
	Maximum	Minimum	Maximum	Minimum
41.5°	3.46	2.31	4.15	2.18
41.6°	3.47	2.31	4.16	2.19
41.7°	3.48	2.32	4.17	2.19
41.8°	3.48	2.32	4.18	2.20
41.9°	3.49	2.33	4.19	2.21
42.0°	3.50	2.33	4.20	2.21
42.1°	3.51	2.34	4.21	2.22
42.2°	3.51	2.34	4.22	2.22
42.3°	3.53	2.35	4.23	2.23
42.4°	3.53	2.36	4.24	2.23
42.5°	3.54	2.36	4.25	2.24
42.6°	3.55	2.37	4.26	2.24
42.7°	3.56	2.37	4.27	2.25
42.8°	3.57	2.38	4.28	2.25
42.9°	3.58	2.38	4.29	2.26
43.0°	3.58	2.39	4.30	2.26
43.1°	3.59	2.39	4.31	2.27
43.2°	3.60	2.40	4.32	2.27
43.3°	3.61	2.40	4.33	2.28
43.4°	3.62	2.41	4.34	2.28
43.5°	3.63	2.42	4.35	2.29

(f) *Definitions of terms as used in the standards.* (1) "Oranges" means oranges of the sweet orange group (*Citrus sinensis*) and the Mandarin group (*Citrus reticulata*), except tangerines.

(2) "Reconstituted juice" means the product obtained by mixing thoroughly 3 parts by volume of distilled water and one part by volume of frozen concentrated orange juice.

(3) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in frozen concentrated orange juice.

(4) "Brix value" in frozen concentrated orange juice is the refractometric sucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See Table No. III for corrections).

TABLE NO. III—CORRECTIONS FOR OBTAINING BRIX VALUE

Citric acid, anhydrous (percent by weight):	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39
2.2	.43
2.4	.47
2.6	.51
2.8	.54
3.0	.58
3.2	.62
3.4	.66
3.6	.70
3.8	.74
4.0	.78
4.2	.81
4.4	.85
4.6	.89
4.8	.93
5.0	.97

¹ SOURCE: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, Vol. II, Page 447, August 15, 1939.

(g) *Explanation of analyses.* (1) The measurement of Brix value is determined on the thawed concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists.

(2) "Acid," calculated as anhydrous citric acid, is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(3) "Recoverable oil" is determined by the following method:

Equipment. Oil separatory trap similar to either of those illustrated in Figure 1 and Figure 2.

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

Procedure. Exactly 400 grams of the thawed concentrate mixed with water to approximately two liters are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

² Filed as part of the original document.

The number of milliliters of oil recovered divided by 4 equals the volume of recoverable oil per 100 grams of concentrate.

(h) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrated orange juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(i) *Score sheet for frozen concentrated orange juice.*

Size and kind of container.....	
Container mark or identification.....	
Label.....	
Liquid measure (Fl. ounces).....	
Brix value of concentrate (corrected for acid).....	
Anhydrous citric acid (% by weight).....	
Brix value to acid ratio.....	
Recoverable oil (ml./100 grams).....	
Factors	Score points
I. Color.....	20
II. Absence of defects.....	40
III. Flavor.....	40
Total score.....	100
Grade.....	

¹ Indicates limiting rule.

(j) *Effective time.* The United States Standards for Grades of Frozen Concentrated Orange Juice contained in this section (which is the first issue) shall become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER.

(60 Stat. 1087; 7 U. S. C. 1621 et seq.; Pub. Law 712, 80th Cong., approved June 19, 1948)

Issued at Washington, D. C., this 20th day of June 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Pro-
duction and Marketing Ad-
ministration.

[F. R. Doc. 49-5070; Filed, June 23, 1949;
9:00 a. m.]

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, EGGS, POULTRY, AND DOMESTIC RABBITS

MISCELLANEOUS AMENDMENTS

On March 30, 1949, notice was published in the FEDERAL REGISTER (F. R. Doc. 49-2331; 14 F. R. 1411) regarding the proposed amendment of the revised regulations governing the sampling, grading, grade labeling, and supervision of packaging of butter, cheese, eggs, poultry, and dressed domestic rabbits (7 CFR Part 55). Such regulations are currently effective under the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess., approved June 19, 1948).

This amendment provides: Express authority for supervision of grading service to maximize the degree of uniformity, on a national basis, in the application of the appropriate United States grades; authority for an expanded grading program for poultry and domestic rabbits; for the inclusion of live domestic rabbits and blends of dairy and poultry products as products with respect to which grading service may be rendered under these regulations and for slightly higher fees for grading shell eggs to cover the cost of performing this service.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the amendment hereinafter set forth is hereby promulgated under the aforesaid authority to become effective 30 days after publication in the FEDERAL REGISTER.

1. Revise the respective headings listed in the table of contents to conform with the changes in the section headings as set forth in these proposals.

2. Revise the provisions of paragraph (m) of § 55.2 *Terms defined* to read as follows:

(m) "Product" or "products" means butter, cheese (whether natural or processed), milk, cream, milk products (whether dried, evaporated, or condensed), eggs (whether shell, liquid, frozen, or dried), egg products, poultry (whether live, dressed, drawn, or eviscerated), domestic rabbits (whether live, dressed, drawn, or eviscerated), and such other perishable farm products as the Secretary may hereafter designate. Such term shall also include any food product which is prepared or manufactured from any product if such product constitutes at least 50 percent, by weight, of all the ingredients used in the preparation or manufacture of such food product.

3. Add the following new paragraph (z) to § 55.2:

(z) "National Supervisor" means (1) the Chief of the Dairy Products Section, Dairy and Poultry Inspection and Grading Division of the Dairy Branch of the Administration, (2) the Chief of the Poultry Products Section of such Division, and (3) such other employees of the Division as the respective chiefs may designate.

4. Revise § 55.4 *Kind of service* to read as follows:

§ 55.4 *Kind of service.* Any grading service performed in accordance with this part may be for class, quality, and condition, and such service shall be subject to supervision at any time by the National Supervisor.

5. Revise § 55.11 *When application may be rejected* to read as follows:

§ 55.11 *When application may be rejected.* Any application for grading service or sampling service may be rejected by the Administrator (a) whenever the product involved is owned by, or located on the premises of, a person currently denied the benefits of the act, or (b) for noncompliance by the applicant with the act or the regulations; and each such applicant shall be notified immediately of the reasons for the rejection.

6. Revise § 55.15 *Disposition of graded product* to read as follows:

§ 55.15 *Disposition of graded product.* Any product, or sample thereof, which has been graded may be returned to the applicant at his request and at his expense if such request was made at the time of application for the grading service. In the event the aforesaid request was not made at the time of application for the grading service, the product or sample may be disposed of in such manner as the Administrator may approve.

7. Revise the heading and provisions in § 55.30 *Application for regrading of a graded product* to read as follows:

§ 55.30 *Regrading of a graded product; application for regrading of a graded product—(a) Regrading of a graded product.* Whenever the immediate superior of a grader has evidence that such grader incorrectly graded a product, such superior shall immediately make a regrading of the product.

(b) *Application for regrading of a graded product.* An application for the regrading of any previously graded product may be made at any time by any interested party; and such application shall clearly indicate the reasons for requesting the regrading. The provisions of the regulations relative to grading service shall apply to regrading service.

8. Revise § 55.45 *Egg grading and inspection fees* to read as follows:

§ 55.45 *Egg grading and inspection fees.* For each grading, or regrading pursuant to § 55.30 (b), of any lot of eggs, the following fees shall be applicable and shall be computed on the basis of the number of packages in such lot:

(a) Shell eggs.	Fee
For 10 packages or less.....	\$1.50
For 11 to 25 packages, inclusive.....	2.50
For 26 to 50 packages, inclusive.....	3.00
For 51 to 100 packages, inclusive.....	5.00
For 101 to 200 packages, inclusive.....	7.00
For 201 to 300 packages, inclusive.....	9.00
For 301 to 400 packages, inclusive.....	11.00
For 401 to 600 packages, inclusive.....	15.00
For each additional 100 packages, or fraction thereof, in excess of 600 packages.....	1.50

(b) *Frozen eggs*—(1) *Inspection for condition only.*

	Fee
For 50 packages or less.....	\$2.00
For 51 to 100 packages, inclusive.....	2.75
For each additional 100 packages, or fraction thereof, in excess of 100 packages.....	.50
When each individual package in any lot is inspected for condition only, the fee for each package inspected shall be.....	.12

(2) *Inspection for condition and sampling for laboratory analysis.*

	Fee
For 50 packages or less.....	\$3.00
For 51 to 100 packages, inclusive.....	3.75
For each additional 100 packages, or fraction thereof, in excess of 100 packages.....	.75

9. Revise the heading and provisions in § 55.46 *Dressed poultry and dressed domestic rabbits grading fees* to read as follows:

§ 55.46 *Poultry and domestic rabbits grading fees.* For each grading, or regrading pursuant to § 55.30 (b), of any lot of poultry or domestic rabbits (whether live, dressed, drawn, or eviscerated), the following fees shall be applicable:

	Fee
For 500 pounds or less.....	\$1.50
For 501 to 1,500 pounds, inclusive.....	2.25
For 1,501 to 3,000 pounds, inclusive.....	3.00
For 3,001 to 6,000 pounds, inclusive.....	4.00
For 6,001 to 10,000 pounds, inclusive.....	5.25
For 10,001 to 20,000 pounds, inclusive.....	8.50
For each additional 10,000 pounds, or fraction thereof, in excess of 20,000 pounds.....	3.00

10. Revise § 55.48 *Fees for laboratory analyses* to read as follows:

§ 55.48 *Fees for laboratory analyses.* (a) For each of the following laboratory analyses, the fee referable thereto shall be applicable except as otherwise provided in paragraph (b) of this section:

(1) *Dried whole eggs.*

	Fee
Solids.....	\$1.50
Fat.....	2.00
Solubility.....	.50
Palatability.....	.50

(2) *Dried yolks.*

	Fee
Solids.....	\$1.50
Fat.....	2.00
Solubility.....	.50
Palatability.....	.50
Sugar.....	3.00

(3) *Dried albumen.*

	Fee
Flake, size of particle.....	\$0.50
Solids.....	1.50
Whipping test.....	1.00

(4) *Frozen whole eggs.*

	Fee
Solids.....	\$2.00
Fat.....	2.00

(5) *Frozen whites.*

	Fee
Fat test.....	\$2.00
Whipping test.....	1.00
Solids.....	2.00

(6) *Frozen yolks.*

	Fee
Solids.....	\$2.00
Fat.....	2.00
Volumetric test.....	3.00

(7) *Bacteriological analyses and specified determinations with respect to products listed in subparagraphs (1) through (6) of this paragraph.*

	Fee
Plate count.....	\$1.00
Direct count.....	1.00
E. coli count.....	1.00
Yeast and mold count.....	1.00
Color.....	1.00
Sediment.....	1.00
Salt.....	5.00
pH.....	.50

(8) *Dry milk.*

	Fee
Sediment.....	\$0.50
Moisture.....	1.50
Fat.....	2.00
Solubility.....	.50
Bacteriological plate count.....	1.00
Titratable acidity.....	.50
Flavor.....	.50

(9) *Dry whey.*

	Fee
Sediment.....	\$0.50
Moisture.....	1.50
Fat.....	2.00
Bacteriological plate count.....	1.00
E. coli count.....	1.00
Total ash.....	1.50
Alkalinity of ash.....	2.00
Protein.....	2.50
Flavor, color.....	.50

(10) *Evaporated milk.*

	Fee
Solids.....	\$1.50
Fat.....	2.00
Flavor, color, body.....	.50
Net weight.....	.50

(11) *Sweetened condensed milk.*

	Fee
Solids.....	\$1.50
Fat.....	2.00
Sugar.....	3.00
Sediment.....	1.00
Bacteriological plate count.....	1.00
Yeast and mold count.....	1.00
E. coli count.....	1.00
Net weight.....	.50
Flavor, color, body.....	.50

(12) *Bulk cheese.*

	Fee
Complete moisture test in duplicate.....	\$1.00

(13) *Process cheese.*

	Fee
Moisture.....	\$2.00
Fat.....	2.00

(14) *Carter's spread.*

	Fee
Moisture.....	\$1.50
Fat.....	2.00
Salt.....	1.00

(15) *Butter oil.*

	Fee
Moisture.....	\$1.50
Fat.....	2.00

(16) *Butter.*

	Fee
Kohman test.....	\$2.00

(b) The fees specified in this section shall apply as indicated, except when the analysis is for flavor or palatability only, in which case the fee shall be \$1.00 for such analysis.

11. Revise the provisions in § 55.63 *When drawn or eviscerated poultry or domestic rabbits may be graded* to read as follows:

§ 55.63 *When drawn or eviscerated poultry or domestic rabbits may be graded.* Drawn or eviscerated poultry or

domestic rabbits may be graded and identified with official identification:

(a) If such poultry or rabbits were eviscerated in accordance with the rules and regulations of the Secretary of Agriculture governing the inspection and certification of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness (7 CFR and Supps. Part 56);

(b) If such poultry or rabbits were drawn or eviscerated in accordance with such methods, procedures, and instructions as were approved, or issued, by the Administrator, pursuant to the regulations, and are in effect at the time of grading; or

(c) If such poultry or domestic rabbits are for institutional use (including, but not being limited to, use in hospitals, schools, and other institutions) and are not for sale by the institution acquiring such poultry or rabbits.

(Pub. Law 712, 80th Cong., approved June 19, 1948)

Issued at Washington, D. C., this 21st day of June 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5072; Filed, June 23, 1949; 8:53 a. m.]

PART 57—UNITED STATES STANDARDS FOR HAY AND STRAW

REVISION OF STANDARDS

On March 8, 1949, a notice of rule making was published in the FEDERAL REGISTER (14 F. R. 1040) regarding the proposed revision of the Official Standards of the United States for Hay and Straw under the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621-1627) and the so-called Farm Products Inspection Act consisting of the item for market inspection of farm products recurring each year in the annual appropriation act for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1949 (62 Stat. 507; 7 U. S. C. 414). After consideration of all relevant matters presented pursuant to the aforesaid notice including the proposals set forth therein, under the authority conferred by said acts, the official United States Standards for Hay and Straw are hereby revised to read as follows:

SUBPART A—UNITED STATES STANDARDS FOR HAY

- Sec.
57.1 Terms identified.
57.2 Principles governing application of standards.
57.3 Alfalfa and Alfalfa Mixed Hay (Group I).
57.4 Timothy and Clover Hay (Group II).
57.5 Prairie Hay (Group III).
57.6 Johnson and Johnson Mixed Hay (Group IV).
57.7 Grain, Wild Oat, Vetch, and Grain Mixed Hay (Group V).
57.8 Lespedeza and Lespedeza Mixed Hay (Group VI).
57.9 Soybean and Soybean Mixed Hay (Group VII).
57.10 Cowpea and Cowpea Mixed Hay (Group VIII).
57.11 Peanut and Peanut Mixed Hay (Group IX).
57.12 Grass Hay (Group X).
57.13 Mixed Hay (Group XI).

SUBPART B—UNITED STATES STANDARDS FOR STRAW

- Sec.
57.50 Terms identified.
57.51 Principles governing application of standards.
57.52 Grades for straw.

AUTHORITY: §§ 57.1 to 57.52 issued under 60 Stat. 1087, 62 Stat. 507; 7 U. S. C. 1621-1627, 414.

SUBPART A—UNITED STATES STANDARDS FOR HAY¹

§ 57.1 *Terms identified.* For the purposes of the United States standards for hay:

(a) *Hay.* Hay shall be the harvested, unthreshed herbage of forage plants which meets requirements of any one of the various classes in groups I to XI, inclusive, as set forth in this subpart; is not both coarse and woody; contains not more than 35 percent of foreign material; and contains not more than 35 percent of moisture. The term "hay" shall include peanut vines from which the peanuts have been removed.

(b) *Groups.* The standards for hay shall be divided into eleven groups as follows: Group I, Alfalfa and Alfalfa Mixed Hay; Group II, Timothy and Clover Hay; Group III, Prairie Hay; Group IV, Johnson and Johnson Mixed Hay; Group V, Grain, Wild Oat, Vetch, and Grain Mixed Hay; Group VI, Lespedeza and Lespedeza Mixed Hay; Group VII, Soybean and Soybean Mixed Hay; Group VIII, Cowpea and Cowpea Mixed Hay; Group IX, Peanut and Peanut Mixed Hay; Group X, Grass Hay; and Group XI, Mixed Hay.

(c) *Classes.* Each group of hay includes one or more classes which are based on the kind of hay or mixture of various kinds.

(d) *Grades and grade designations.* Grades are the numerical grades, sample grade, and special grades provided for in the classes of hay. A grade designation is the formal expression of the class, quality, and condition of a lot or sample of hay and consists of the letters U. S., the grade number or sample grade, the name of any applicable special grade or grades; and the class name.

(e) *Forage plants.* Forage plants shall be grasses, legumes, sedges, and rushes, which are harvested for hay and which have recognized feed value as determined by the Grain Branch, Production and Marketing Administration, United States Department of Agriculture.

(f) *Alfalfa.* Alfalfa may include not more than 10 percent (of the total forage plants) of clover, vetch hay, and/or other forage legumes, except that other legumes shall not be considered a part of the alfalfa in either of the classes Alfalfa Clover Mixed Hay or Mixed Hay.

(g) *Timothy.* Timothy may include not more than 10 percent (of the total forage plants) of other grasses, except that other grasses shall not be considered a part of the timothy in any of the classes Timothy Light Grass Mixed Hay, Timothy Heavy Grass Mixed Hay, Grass Hay, or Mixed Hay.

(h) *Clover.* Clover shall be red clover, alsike clover, and/or white clover and may include not more than 10 percent (of the total forage plants) of alfalfa, vetch hay, and/or other forage legumes, except that alfalfa shall not be considered a part of the clover in the class Alfalfa Clover Mixed Hay and other legumes shall not be considered a part of the clover in the class Mixed Hay.

(i) *Upland grasses.* Upland grasses shall be bluestems (*Andropogon* spp.), grama grasses (*Bouteloua* spp.), paspalums (*Paspalum* spp.), wheat grasses (*Agropyron* spp.), prairie Junegrass (*Koeleria cristata*), Indiangrass (*Sorghastrum nutans*), and/or other upland grasses which grow commonly in virgin upland prairie meadows. Upland grasses may include not more than 10 percent (of the total forage plants) of midland grasses and/or other grasses, except that midland grasses shall not be considered a part of the upland grasses in any of the classes Midland Prairie Hay, Upland-Midland Prairie Mixed Hay, Grass Hay, or Mixed Hay and other grasses shall not be considered a part of the upland grasses in either of the classes Grass Hay or Mixed Hay.

NOTE: Questions relating to, or samples of, the kinds of grasses that may be included in upland grasses should be submitted to the Grain Branch, Production and Marketing Administration, United States Department of Agriculture, for determination or interpretation.

(j) *Midland grasses.* Midland grasses shall be sloughgrass or prairie cordgrass (*Spartina pectinata*), bluejoint (*Calamagrostis* spp.), and/or sprangletop (*Fluminea festucae*).

(k) *Grasses.* Grasses shall be any of the following, singly or in combination: (1) Redtop, orchardgrass, Kentucky bluegrass, Canada bluegrass, crabgrass, smooth brome grass, ryegrass, barnyard grass, quackgrass, paspalums, Bermuda grass, wheat grasses; (2) the following grasses if early cut—wild-rye, annual brome grasses (such as cheat), pigeon grass (sometimes called foxtail or wild millet), broomsedge; (3) such other grasses, sedges, and/or rushes as occur in hay meadows and are not otherwise provided for. Grasses may also include not more than 10 percent (of the total forage plants) of timothy, Johnson grass and/or grain hay, except that they shall not be considered a part of grasses in either of the classes Grass Hay or Mixed Hay.

(l) *Johnson grass.* Johnson grass may include not more than 10 percent (of the total forage plants) of other grasses and not more than 10 percent (of the total forage plants) of early-cut cane hay, except that other grasses shall not be considered a part of the Johnson grass in any of the classes Johnson Light Grass Mixed Hay, Johnson Heavy Grass Mixed Hay, Grass Hay, or Mixed Hay.

(m) *Oat hay.* Oat hay shall be hay, of all varieties of tame oats, which does not meet the requirements for red oat hay, and may include not more than 10 percent (of the total forage plants) of wheat hay and/or wild oat hay, and not more than 5 percent (of the total forage plants) of barley hay and/or grasses.

(n) *Red oat hay.* Red oat hay may include not more than 10 percent (of the total forage plants) of other varieties of

tame oat hay, wheat hay, and/or wild oat hay, and not more than 5 percent (of the total forage plants) of barley hay and/or grasses.

(o) *Wheat hay.* Wheat hay may include not more than 10 percent (of the total forage plants) of oat hay and/or wild oat hay, and not more than 5 percent (of the total forage plants) of barley hay and/or grasses.

(p) *Wild oat hay.* Wild oat hay may include not more than 10 percent (of the total forage plants) of grasses.

(q) *Barley hay.* Barley hay may include not more than 10 percent (of the total forage plants) of other grain hay and not more than 5 percent (of the total forage plants) of grasses.

(r) *Grain hay.* Grain hay shall be hay of the following grains: oats, barley, wheat, rye, and/or wild oats.

(s) *Vetch hay.* Vetch hay may include not more than 10 percent (of the total forage plants) of alfalfa, clover, and/or other forage legumes, except that other legumes shall not be considered a part of the vetch hay in the class Mixed Hay.

(t) *Lespedeza.* Lespedeza (annual) may include not more than 10 percent (of the total forage plants) of alfalfa, clover, vetch hay, and/or other forage legumes, except that other legumes shall not be considered a part of the lespedeza in the class Mixed Hay.

(u) *Soybean hay.* Soybean hay may include not more than 10 percent (of the total forage plants) of cowpea hay, lespedeza, black medic (yellow trefoil), vetch hay, clover and/or other forage legumes, except that other legumes shall not be considered a part of the soybean hay in the class Mixed Hay.

(v) *Cowpea hay.* Cowpea hay may include not more than 10 percent (of the total forage plants) of soybean hay, lespedeza, and/or other forage legumes, except that other legumes shall not be considered a part of the cowpea hay in the class Mixed Hay.

(w) *Peanut hay.* Peanut hay shall be the leaves and stems of the peanut plant, including such portions of the roots and peanut pods as are normally present either before or after the peanuts have been removed, and may include not more than 10 percent (of the total forage plants) of soybean hay and/or other forage legumes, except that other legumes shall not be considered a part of the peanut hay in the class Mixed Hay.

(x) *Legumes.* Legumes shall be alfalfa, lespedeza, black medic (yellow trefoil), vetch hay, clover, and/or other plants of the pea family suitable for forage.

(y) *Foreign material.* Foreign material shall be any of the following, singly or in combination: (1) Weeds, three-awn or wire grasses (*Aristida* spp.), ticklegrass or winter bent (*Agrostis hiemalis*), lovegrasses (*Eragrostis* spp.); (2) the following grasses if mature—wild-rye, annual brome grasses (such as cheat), pigeon grass (sometimes called foxtail or wild millet), broomsedge, needlegrasses (*Stipa* spp.) from which the needles have fallen; (3) such sedges, rushes, and/or other plants as are coarse and woody or otherwise not suitable for feeding purposes; (4) overripe grain hay,

¹ The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et seq.).

cornstalks, grain straw, stubble, chaff; and (5) other objectionable matter which occurs naturally in hay.

(2) *Injurious foreign material.* Injurious foreign material shall be any of the following, singly or in combination: Sandburs, poisonous plants, harsh bearded grasses (such as mature foxtail barley or squirreltailgrass, *Hordeum jubatum*), mature rippgut or broncho grass (*Bromus rigidus*), grasses having a sharp-pointed callus at the base of the seed (such as matured needlegrasses (*Stipa* spp.) with the needles attached), mature prairie three-awngrass (*Aristida oligantha*), and other matter which is injurious when fed to livestock.

(aa) *Filled grain.* Filled grain in any of the grain hays shall be the kernels of grain which have reached the late dough stage and which may shrivel somewhat in drying.

(bb) *Color.* The term "percent of green color" refers to the amount of green color (green appearance), in field-cured hay, computed as a percentage of the 100-percent green color of hay produced so as to have received no discoloration from maturity, sun bleach, dew, rain, or other damage.

NOTE: Field-cured hay which on casual examination appears to be of uniform green color, nearly always contains slight discolorations which materially lower the amount of green color from the perfect color standard. Thus the standard for the No. 1 grade in the various groups of hay represents an amount of color that is relatively high for field-cured hay.

§ 57.2 Principles governing application of standards. The following principles shall apply in the determination of the classes and grades of all groups of hay.

(a) *Basis of class and grade determinations.* (1) The determination of foreign material, injurious foreign material, temperature, odor, and general condition shall be on the basis of the hay as a whole.

(2) The determination of class shall be on the basis of the total forage plants comprising the mixture.

(3) The determination of leafiness of alfalfa, clover, lespedeza, soybean hay, cowpea hay, and peanut hay shall be on the basis of the total alfalfa, clover, lespedeza, soybean hay, cowpea hay, or peanut hay, as the case may be.

(4) The determination of alfalfa stalks bearing brown and/or black seed pods and upland prairie stalks having seed heads and/or jointed stems shall be on the basis of the total alfalfa or upland grasses.

(5) The determination of coarse and/or fine hay in alfalfa, Johnson, grain hay, and soybean hay shall be on the basis, respectively, of the alfalfa, Johnson grass, grain, and soybean stalks present in the hay. Measurements for texture shall be made two inches from the cut end of the stalk.

(6) The determination of color shall be upon the basis of the method prescribed by the Grain Branch, Production and Marketing Administration, United States Department of Agriculture.

(b) *Methods of determining percentages.* (1) Percentages of mixture, leafiness, and foreign material shall be ascertained by weight.

(2) Percentages of green color shall be ascertained from the color conversion tables prepared by the Grain Branch, Production and Marketing Administration, United States Department of Agriculture, for alfalfa, timothy, clover, prairie, Johnson, soybean, and grass hay.

(3) Percentages of diameter sizes in alfalfa, Johnson, grain hay, and soybean hay shall be ascertained by count of the alfalfa, Johnson, grain, and soybean stalks in the hay.

(4) Percentages of moisture shall be ascertained by the air oven and the method of use thereof described in Service and Regulatory Announcement No. 147 (revised August 1941) issued by the Agricultural Marketing Service (now Production and Marketing Administration), United States Department of Agriculture, or ascertained by any device and method which give equivalent results.

§ 57.3 Alfalfa and Alfalfa Mixed Hay (Group I)—(a) Classes and class requirements.

Class	Mixture percentages
Alfalfa.....	Alfalfa with not over 5 percent of grasses.
Alfalfa light grass mixed.	A mixture of alfalfa and grasses with over 5 percent but not over 20 percent of grasses.
Alfalfa heavy grass mixed.	A mixture of alfalfa and grasses with over 20 percent but not over 60 percent of grasses.
Alfalfa light timothy mixed.	A mixture of alfalfa and timothy with over 5 percent but not over 30 percent of timothy.
Alfalfa heavy timothy mixed.	A mixture of alfalfa and timothy with over 30 percent but less than 70 percent of timothy.
Alfalfa clover mixed..	A mixture of alfalfa and clover with over 10 percent but not over 50 percent of clover and not over 10 percent of grasses.
Alfalfa light Johnson mixed.	A mixture of alfalfa and Johnson grass with over 5 percent but not over 30 percent of Johnson grass.
Alfalfa heavy Johnson mixed.	A mixture of alfalfa and Johnson grass with over 30 percent but less than 70 percent of Johnson grass.
Alfalfa light grain mixed.	A mixture of alfalfa and grain hay with over 5 percent but not over 20 percent of grain hay, and not over 10 percent of grasses.
Alfalfa heavy grain mixed.	A mixture of alfalfa and grain hay with over 20 percent but less than 60 percent of grain hay, and not over 10 percent of grasses.

(b) Numerical and sample grades and grade requirements for all classes of Alfalfa and Alfalfa Mixed Hay.

U. S. grade	Leafiness of alfalfa (minimum percent of leaves) ¹	Color (minimum percent of green color)	Maximum percent of foreign material
No. 1 ²	40	60	5
No. 2.....	25	35	10
No. 3.....	10	10	15
Sample grade.....	Hay which does not come within the requirements of any of the numerical grades; or which contains more than a trace of injurious foreign material; or which has any objectionable odor; or which is undercured, heating, hot, wet, musty, moldy, caked, badly broken, badly weathered, badly frosted, badly overripe, or very dusty; or which is otherwise of distinctly low quality.		

¹ Does not apply in the classes Alfalfa Heavy Grass Mixed Hay, Alfalfa Heavy Timothy Mixed Hay, Al-

alfa Heavy Johnson Mixed Hay, and Alfalfa Heavy Grain Mixed Hay.

² Grade No. 1 shall not include hay in which a majority of the alfalfa stalks bear brown and/or black seed pods.

³ Hay, to meet this leafiness requirement, must have at least one-fifth of the alfalfa leaves clinging to the stems.

⁴ Grade No. 3 shall include heavily sweated hay (so-called tobacco brown) which has less than 10 percent color provided that the hay meets the other requirements for that grade.

(c) Special grades for Alfalfa and Alfalfa Mixed Hay—(1) Extra Leafy Hay—

(i) *Requirements.* Extra Leafy Hay shall be hay of any of the grades of the classes Alfalfa, Alfalfa Light Grass Mixed, Alfalfa Light Timothy Mixed, Alfalfa Clover Mixed, Alfalfa Light Johnson Mixed, and Alfalfa Light Grain Mixed in group I in which the leafiness of the alfalfa is 50 percent or more with most of the leaves clinging to the stems, but shall not include hay in which a majority of the alfalfa stalks bear brown and/or black seed pods.

(ii) *Grade designation.* When the special grade Extra Leafy is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Leafy."

Example, U. S. No. 1 Extra Leafy Alfalfa Hay.

(2) *Leafy Hay*—(i) *Requirements.* Leafy Hay shall be hay of any of the grades lower than grade No. 1 of the classes Alfalfa, Alfalfa Light Grass Mixed, Alfalfa Light Timothy Mixed, Alfalfa Clover Mixed, Alfalfa Light Johnson on Mixed, and Alfalfa Light Grain Mixed in group I in which the leafiness of the alfalfa is 40 percent or more with at least one-fifth of the leaves clinging to the stems, but shall not include hay in which the leafiness of the alfalfa meets the requirements for extra leafy hay nor hay in which a majority of the alfalfa stalks bear brown and/or black seed pods.

(ii) *Grade designation.* When the special grade Leafy is applicable, there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Leafy."

Example, U. S. No. 2 Leafy Alfalfa Hay.

(3) *Extra Green Hay*—(i) *Requirements.* Extra Green Hay shall be hay of any of the grades of any of the classes in group I which has 75 percent or more green color, but shall not include hay in which a majority of the alfalfa stalks bear brown and/or black seed pods.

(ii) *Grade designation.* When the special grade Extra Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Green."

Example, U. S. No. 1 Extra Green Alfalfa Light Grass Mixed Hay.

(4) *Green Hay*—(i) *Requirements.* Green Hay shall be hay of any of the grades lower than grade No. 1 of any of the classes in group I which has 60 percent or more but less than 75 percent green color, but shall not include hay in which a majority of the alfalfa stalks bear brown and/or black seed pods.

(ii) *Grade designation.* When the special grade Green is applicable there shall be added to and made a part of

the grade designation, preceding the name of the class, the word "Green."

Example, U. S. No. 3 Green Alfalfa Light Timothy Mixed Hay.

(5) *Coarse Hay*—(i) *Requirements*. Coarse hay shall be hay of any of the grades of any of the classes in group I in which the alfalfa stalks are hard and round and of which more than 30 percent of the stalks have diameters equal to or greater than the diameter of No. 11 steel wire (approximately twelve one-hundredths of an inch) by W & M Standard wire gage standards.

(ii) *Grade designation*. When the special grade Coarse is applicable, there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Coarse."

Example, U. S. No. 2 Coarse Alfalfa Hay.

§ 57.4 Timothy and Clover Hay (Group II)—(a) Classes and class requirements.

Class	Mixture percentages
Timothy-----	Timothy with not over 10 percent of legumes.
Timothy light clover mixed.	A mixture of timothy and clover with over 10 percent but not over 30 percent of clover.
Timothy heavy clover mixed.	A mixture of timothy and clover with over 30 percent but not over 50 percent of clover.
Timothy light grass mixed.	A mixture of timothy and other grasses with over 10 percent but not over 30 percent of other grasses, and not over 10 percent of legumes.
Timothy heavy grass mixed.	A mixture of timothy and other grasses with over 30 percent but not over 60 percent of other grasses, and not over 10 percent of legumes.
Timothy light alfalfa mixed.	A mixture of timothy and alfalfa with over 10 percent but not over 30 percent of alfalfa.
Clover-----	Clover with not over 20 percent of timothy, other grasses and/or grain hay.
Clover timothy mixed.	A mixture of clover and timothy with over 20 percent but less than 50 percent of timothy.

(b) Numerical and sample grades and grade requirements for all classes of Timothy and Clover Hay.

U. S. Grade	Leafiness of clover (minimum percent of leaves, including blossoms) ¹	Color (minimum percent of green color)	Maximum percent of foreign material
No. 1 ² -----	40	40	10
No. 2 ² -----	25	30	15
No. 3-----	10	10	20
Sample grade-----	Hay which does not come within the requirements of any of the numerical grades; or which contains more than a trace of injurious foreign material; or which has any objectionable odor; or which is undercured, heating, hot; wet, musty, moldy, caked, badly broken, badly stained, badly weathered, badly overripe, or very dusty; or which is otherwise of distinctly low quality.		

¹ Applies only in the classes Clover Hay and Clover Timothy Mixed Hay.

² Grades No. 1 and No. 2 shall not include hay that is stained.

(c) *Special grades for Timothy and Clover Hay*—(1) *Extra Leafy Hay*—(i) *Requirements*. Extra Leafy Hay shall be hay of any of the grades of the classes Clover and Clover Timothy Mixed in group II in which the leafiness of the clover is 50 percent or more with most of the leaves clinging to the stems.

(ii) *Grade designation*. When the special grade Extra Leafy is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Leafy."

Example, U. S. No. 1 Extra Leafy Clover Hay.

(2) *Leafy Hay*—(i) *Requirements*. Leafy Hay shall be hay of any of the grades lower than grade No. 1 of the classes Clover and Clover Timothy Mixed in group II in which the leafiness of the clover is 40 percent or more, but shall not include hay in which the leafiness of the clover meets the requirements for extra leafy hay.

(ii) *Grade designation*. When the special grade Leafy is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Leafy."

Example, U. S. No. 2 Leafy Clover Timothy Mixed Hay.

(3) *Extra Green Hay*—(i) *Requirements*. Extra Green Hay shall be hay of any of the grades of any of the classes in group II which has 55 percent or more green color, but shall not include hay that is stained.

(ii) *Grade designation*. When the special grade Extra Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Green."

Example, U. S. No. 1 Extra Green Timothy Hay.

(4) *Green Hay*—(i) *Requirements*. Green Hay shall be hay of any of the grades lower than grade No. 1 of any of the classes in group II which has 40 percent or more but less than 55 percent green color, but shall not include hay that is stained.

(ii) *Grade designation*. When the special grade Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Green."

Example, U. S. No. 2 Green Timothy Light Grass Mixed Hay.

§ 57.5 Prairie Hay (Group III)—(a) Classes and class requirements.

Class	Mixture percentages
Upland prairie-----	Upland grasses with not over 10 percent of legumes.
Midland prairie-----	Midland grasses or a mixture of midland grasses, upland grasses, timothy and/or other grasses with over 40 percent of midland grasses and not over 10 percent of legumes.
Upland-Midland prairie mixed.	A mixture of upland and midland grasses with over 10 percent but not over 40 percent of midland grasses, and not over 10 percent of legumes.

(b) Numerical and sample grades and grade requirements for all classes of Prairie Hay.

U. S. grade	Color (minimum percent of green color)	Maximum percent of foreign material
No. 1 ¹ -----	50	10
No. 2 ¹ -----	35	15
No. 3 ¹ -----	10	20
Sample grade-----	Hay which does not come within the requirements of any of the numerical grades; or which contains more than a trace of injurious foreign material; or which has any objectionable odor; or which is undercured, heating, hot, wet, musty, moldy, caked, badly broken, badly stained, badly weathered, badly overripe, or very dusty; or which is otherwise of distinctly low quality.	

¹ Grades No. 1 and No. 2 shall not include hay that is stained.

² Hay of the class Upland Prairie in which one-third or more of the upland grass stalks bear seed heads and/or jointed stems to meet the requirements of grade No. 1 shall have 65 percent or more green color; grade No. 2 shall have 50 percent or more green color; and grade No. 3 shall have 35 percent or more green color.

(c) *Special grades for Prairie Hay*—(1) *Extra Green Hay*—(i) *Requirements*. Extra Green Hay shall be hay of any of the grades of any of the classes in group III which has 65 percent or more green color, but shall not include hay that is stained or hay of the class Upland Prairie in which one-third or more of the upland grass stalks bear seed heads or jointed stems.

(ii) *Grade designation*. When the special grade Extra Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Green."

Example, U. S. No. 1 Extra Green Upland Prairie Hay.

(2) *Green Hay*—(i) *Requirements*. Green Hay shall be hay of any of the grades lower than grade No. 1 of any of the classes in group III which has 50 percent or more but less than 65 percent green color, but shall not include hay that is stained or hay of the class Upland Prairie in which one-third or more of the upland grass stalks bear seed heads or jointed stems.

(ii) *Grade designation*. When the special grade Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Green."

Example, U. S. No. 2 Green Upland-Midland Prairie Mixed Hay.

§ 57.6 Johnson and Johnson Mixed Hay (Group IV)—(a) Classes and class requirements.

Class	Mixture percentages
Johnson-----	Johnson grass with not over 10 percent of legumes.
Johnson light grass mixed.	A mixture of Johnson grass and other grasses with over 10 percent but not over 30 percent of other grasses and not over 10 percent of legumes.

Class	Mixture percentages
Johnson heavy grass mixed.	A mixture of Johnson grass and other grasses with over 30 percent but not over 60 percent of other grasses and not over 10 percent of legumes.
Johnson light alfalfa mixed.	A mixture of Johnson grass and alfalfa with over 10 percent but not over 30 percent of alfalfa.
Johnson light lespedeza mixed.	A mixture of Johnson grass and lespedeza with over 10 percent but not over 30 percent of lespedeza.

(b) Numerical and sample grades and grade requirements for all classes of Johnson and Johnson Mixed Hay.

U. S. grade	Color (minimum percent of green color)	Maximum percent of foreign material
No. 1	40	10
No. 2	25	15
No. 3	10	20
Sample grade	Hay which does not come within the requirements of any of the numerical grades; or which contains more than a trace of injurious foreign material; or which has any objectionable odor; or which is undercured, heating, hot, wet, musty, moldy, caked, badly broken, badly stained, badly weathered, badly overripe, or very dusty; or which is otherwise of distinctly low quality.	

(c) Special grades for Johnson and Johnson Mixed Hay—(1) Extra Green Hay—(i) Requirements. Extra Green Hay shall be hay of any of the grades of any of the classes in group IV which has 55 percent or more green color.

(ii) Grade designation. When the special grade Extra Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Green."

Example, U. S. No. 1 Extra Green Johnson Hay.

(2) Green Hay—(i) Requirements. Green Hay shall be hay of any of the grades lower than grade No. 1 of any of the classes in group IV which has 40 percent or more but less than 55 percent green color.

(ii) Grade designation. When the special grade Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Green."

Example, U. S. No. 3 Green Johnson Light Grass Mixed Hay.

(3) Fine Hay—(i) Requirements. Fine Hay shall be hay of any of the grades of the class Johnson in group IV in which 70 percent or more of the Johnson grass stalks have diameters equal to or smaller than the diameter of No. 13 steel wire (approximately nine one-hundredths of an inch), and no stalks have diameters equal to or greater than the diameter of No. 10 steel wire (approximately thirteen one-hundredths of an inch), by W & M standard wire gage standards.

(ii) Grade designation. When the special grade Fine is applicable there

shall be added to and made a part of the grade designation, preceding the name of the class, the word "Fine."

Example, U. S. No. 1 Fine Johnson Hay.

(4) Coarse Hay—(i) Requirements. Coarse Hay shall be hay of any of the grades of any of the classes in group IV in which more than 30 percent of the Johnson grass stalks have diameters equal to or greater than the diameter of No. 9 steel wire (approximately fifteen one-hundredths of an inch), by W & M standard wire gage standards.

(ii) Grade designation. When the special grade Coarse is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Coarse."

Example, U. S. No. 1 Coarse Johnson Hay.

§ 57.7 Grain, Wild Oat, Vetch, and Grain Mixed Hay (Group V)—(a) Classes and class requirements.

Class	Mixture percentages
Oat	Oat hay with not over 10 percent of legumes.
Red oat	Red oat hay with not over 10 percent of legumes.
Wheat	Wheat hay with not over 10 percent of legumes.
Barley	Barley hay with not over 10 percent of legumes.
Wild oat	Wild oat hay or a mixture of wild oat hay and other grain hay with not over 30 percent of other grain hay and not over 10 percent of legumes.

Class	Mixture percentages
Red oat and wild oat mixed, wheat and wild oat mixed.	A mixture of red oat hay and wild oat hay or wheat hay and wild oat hay with over 10 percent but not over 40 percent of wild oat hay and not over 10 percent of legumes in each case.
Wild oat and grain mixed.	A mixture of wild oat hay and other grain hay with over 30 percent but less than 60 percent of other grain hay and not over 10 percent of legumes.
Oat light alfalfa mixed, wheat light alfalfa mixed, barley light alfalfa mixed.	A mixture of oat hay (including red oat hay) and alfalfa, wheat hay and alfalfa, or barley hay and alfalfa with over 10 percent but not over 40 percent of alfalfa and not over 10 percent of grasses including the 5 percent allowance in § 57.1 (m), (n), and (q) for oat hay, wheat hay, and barley hay, respectively.
Oat and vetch mixed, wheat and vetch mixed.	A mixture of oat hay (including red oat hay) and vetch hay or wheat hay and vetch hay with over 10 percent but not over 50 percent of vetch hay and not over 10 percent of grasses including the 5 percent allowance in § 57.1 (m) and (n) for oat hay and wheat hay, respectively.
Vetch and oat mixed, vetch and wheat mixed.	A mixture of vetch hay and oat hay (including red oat hay) or vetch hay and wheat hay with over 20 percent but less than 50 percent of oat hay, or wheat hay, as the case may be, and not over 10 percent of grasses including the 5 percent allowance in § 57.1 (m) and (n) for oat hay and wheat hay, respectively.
Vetch	Vetch hay or a mixture of vetch hay and grain hay with not over 20 percent of grain hay.

(b) Numerical and sample grades and grade requirements for the classes of Oat Hay, Red Oat Hay, Barley Hay, Red Oat and Wild Oat Mixed Hay, Oat Light Alfalfa Mixed Hay, and Barley Light Alfalfa Mixed Hay.

U. S. grade	Maturity	Color	Maximum percent of foreign material
No. 1 ¹	The grain shall have been cut in the dough stage and shall contain half-formed kernels and "filled" grain, with little or no shattering of kernels.	Shall be bright, natural green to yellowish green or bright, reddish purple.	5
No. 2	The grain shall have been cut in the dough stage or before and may contain half-formed kernels and "filled" grain, with little or no shattering of kernels.	May be yellowish green or reddish purple to yellow with traces of green or reddish yellow, slightly discolored, or slightly weathered.	10
No. 3	May be fully matured	May be yellow, discolored, weathered, or stained.	15
Sample grade	Hay of the above classes which does not come within the requirements of any of the numerical grades; or which contains more than a trace of injurious foreign material; or which has any objectionable odor; or which is undercured, heating, hot, wet, musty, moldy, sour, caked, badly broken, badly stained, badly weathered, badly overripe, or very dusty; or otherwise of distinctly low quality.		

¹ To meet the requirements of grade No. 1, Barley Hay and Barley Light Alfalfa Mixed Hay shall have been cut in the early dough stage or before, and may contain half-formed kernels and a little "filled" grain.

(c) Numerical and sample grades and grade requirements for the classes Wheat Hay, Wild Oat Hay, Wheat and Wild Oat Mixed Hay, Wild Oat and Grain Mixed Hay, and Wheat Light Alfalfa Mixed Hay.

U. S. grade	Maturity	Color	Maximum percent of foreign material
No. 1	The grain shall have been cut in the milk stage or before and may contain small, shriveled kernels and a little "filled" grain.	Shall be bright, natural green to yellowish green.	5
No. 2	The grain shall have been cut in the early dough stage or before and may contain half-formed kernels and some "filled" grain, although such "filled" grain shall not predominate.	May be yellowish green to yellow with traces of green, slightly discolored, or slightly weathered.	10
No. 3	May be fully matured	May be yellow or greenish yellow with many brown leaves, stained, or weathered.	15
Sample grade	Hay of the above classes which does not come within the requirements of any of the numerical grades; or which contains more than a trace of injurious foreign material; or which has any objectionable odor; or which is undercured, heating, hot, wet, musty, moldy, sour, caked, badly broken, badly stained, badly weathered, badly overripe, or very dusty; or otherwise of distinctly low quality.		

(d) *Numerical and sample grades and grade requirements for the classes Oat and Vetch Mixed Hay, Wheat and Vetch Mixed Hay, Vetch and Oat Mixed Hay, Vetch and Wheat Mixed Hay, and Vetch Hay.*

U. S. grade	Maturity	Color	Maximum percent of foreign material
No. 1.....	The vetch shall have been cut when the pods on the lower 1/4 of the plant are one-half filled or before. The grain shall have been cut in the early dough stage or before and may contain half-formed kernels and a little "filled" grain.	Shall be bright, natural green to greenish yellow.	5
No. 2.....	The vetch shall have been cut when the pods on the lower 2/4 of the plant are one-half filled or before. The grain shall have been cut in the dough stage or before and may contain some "filled" grain although such "filled" grain shall not predominate.	May be greenish yellow to brownish yellow, slightly discolored, or slightly weathered.	10
No. 3.....	May be fully matured.....	May be yellowish brown, brown, stained, or weathered.	15
Sample grade.....	Hay of the above classes which does not come within the requirements of any of the numerical grades; or which contains more than a trace of injurious foreign material; or which has any objectionable odor; or which is undercured, heating, hot, wet, musty, moldy, sour, caked, badly broken, badly stained, badly weathered, badly overripe, or very dusty; or otherwise of distinctly low quality.		

(e) *Special grades for Grain, Wild Oat, Vetch, and Grain Mixed Hay—(1) Coarse Hay—(i) Requirements.* Coarse Hay shall be hay of any of the grades of the classes Oat, Red Oat, and Red Oat and Wild Oat Mixed in group V in which more than 30 percent of the oat stalks have diameters equal to or greater than the diameter of No. 6 steel wire (approximately nineteen one-hundredths of an inch), by W & M standard wire gage standards.

(ii) *Grade designation.* When the special grade Coarse is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Coarse."

Example, U. S. No. 2 Coarse Oat Hay.

§ 57.8 *Lespedeza and Lespedeza Mixed Hay (Group VI)—(a) Classes and class requirements.*

Class	Mixture percentages
Lespedeza.....	Lespedeza with not over 10 percent of grasses.
Lespedeza light grass mixed.	A mixture of lespedeza and grasses with over 10 percent but not over 30 percent of grasses.
Lespedeza heavy grass mixed.	A mixture of lespedeza and grasses with over 30 percent but not over 60 percent of grasses.
Lespedeza light Johnson mixed.	A mixture of lespedeza and Johnson grass with over 10 percent but not over 30 percent of Johnson grass.
Lespedeza heavy Johnson mixed.	A mixture of lespedeza and Johnson grass with over 30 percent but less than 70 percent of Johnson grass.

(b) *Numerical and sample grades and grade requirements for all classes of Lespedeza and Lespedeza Mixed Hay.*

U. S. grade	Leafiness of lespedeza (minimum percent of leaves) ¹	Color	Maximum percent of foreign material
No. 1.....	45	Shall be green to greenish brown.	10
No. 2.....	30	May be greenish brown to brown.	15
No. 3.....	10	May be brown.....	20

¹ Does not apply in the classes Lespedeza Heavy Grass Mixed Hay and Lespedeza Heavy Johnson Mixed Hay.

U. S. grade	Leafiness of lespedeza (minimum percent of leaves) ¹	Color	Maximum percent of foreign material
Sample grade.....	Hay which does not come within the requirements of any of the numerical grades; or which contains more than a trace of injurious foreign material; or which has any objectionable odor; or which is undercured, heating, hot, wet, musty, moldy, caked, badly broken, badly weathered, badly overripe, or very dusty; or which is otherwise of distinctly low quality.		

(c) *Special grades for Lespedeza and Lespedeza Mixed Hay—(1) Extra Leafy Hay—(i) Requirements.* Extra Leafy Hay shall be hay of any of the grades of the classes Lespedeza, Lespedeza Light Grass Mixed, and Lespedeza Light Johnson Mixed in group VI in which the leafiness of the lespedeza is 55 percent or more, with most of the leaves clinging to the stems.

(ii) *Grade designation.* When the special grade Extra Leafy is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Leafy."

Example, U. S. No. 1 Extra Leafy Lespedeza Hay.

(2) *Leafy Hay—(i) Requirements.* Leafy Hay shall be hay of any of the grades lower than grade No. 1 of the classes Lespedeza, Lespedeza Light Grass Mixed, and Lespedeza Light Johnson Mixed in group VI in which the leafiness of the lespedeza is 45 percent or more, but shall not include hay in which the leafiness of the lespedeza meets the requirements for extra leafy hay.

(ii) *Grade designation.* When the special grade Leafy is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Leafy."

Example, U. S. No. 2 Leafy Lespedeza Light Grass Mixed Hay.

(3) *Extra Green Hay—(i) Requirements.* Extra Green Hay shall be hay of any of the grades of any of the classes

in group VI which has a natural green color.

(ii) *Grade designation.* When the special grade Extra Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Green."

Example, U. S. No. 1 Extra Green Lespedeza Hay.

(4) *Green Hay—(i) Requirements.* Green Hay shall be hay of any of the grades lower than grade No. 1 of any of the classes in group VI which has a green to greenish brown color.

(ii) *Grade designation.* When the special grade Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Green."

Example, U. S. No. 3 Green Lespedeza Heavy Grass Mixed Hay.

§ 57.9 *Soybean and Soybean Mixed Hay (Group VII)—(a) Classes and class requirements.*

Class	Mixture percentages
Soybean.....	Soybean hay with not over 15 percent of grasses.
Soybean light grass mixed.	A mixture of soybean hay and grasses with over 15 percent but not over 30 percent of grasses.
Soybean heavy grass mixed.	A mixture of soybean hay and grasses with over 30 percent but not over 60 percent of grasses.
Soybean light Johnson mixed.	A mixture of soybean hay and Johnson grass with over 10 percent but not over 30 percent of Johnson grass.
Soybean heavy Johnson mixed.	A mixture of soybean hay and Johnson grass with over 30 percent but not over 70 percent of Johnson grass.

(b) *Numerical and sample grades and grade requirements for all classes of Soybean and Soybean Mixed Hay.*

U. S. grade	Leafiness of soybean hay (minimum percent of leaves, including seed pods not badly shattered or in condition to shatter) ¹	Color (minimum percent of green color)	Maximum percent of foreign material
No. 1.....	40	40	10
No. 2.....	25	25	15
No. 3.....	10	10	20
Sample grade.....	Hay which does not come within the requirements of any of the numerical grades; or which contains more than a trace of injurious foreign material; or which has any objectionable odor; or which is undercured, heating, hot, wet, musty, moldy, caked, badly broken, badly weathered, badly overripe, or very dusty; or which is otherwise of distinctly low quality.		

¹ Does not apply in the classes Soybean Heavy Grass Mixed Hay and Soybean Heavy Johnson Mixed Hay.

(c) *Special grades for Soybean and Soybean Mixed Hay—(1) Extra Leafy Hay—(i) Requirements.* Extra Leafy Hay shall be hay of any of the grades of the classes Soybean, Soybean Light Grass Mixed, and Soybean Light Johnson Mixed in group VII in which the leafiness of the soybean hay is 50 percent or more, with most of the leaves clinging to the stems.

(ii) *Grade designation.* When the special grade Extra Leafy is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Leafy."

Example, U. S. No. 1 Extra Leafy Soybean Hay.

(2) *Leafy Hay*—(i) *Requirements.* Leafy Hay shall be hay of any of the grades lower than grade No. 1 of the classes Soybean, Soybean Light Grass Mixed, and Soybean Light Johnson Mixed in group VII in which the leafiness of the soybean hay is 40 percent or more, but shall not include hay in which the leafiness of the soybean hay meets the requirements for extra leafy hay.

(ii) *Grade designation.* When the special grade Leafy is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Leafy."

Example, U. S. No. 2 Leafy Soybean Light Grass Mixed Hay.

(3) *Extra Green Hay*—(i) *Requirements.* Extra Green Hay shall be hay of any of the grades of any of the classes in group VII which has 55 percent or more green color.

(ii) *Grade designation.* When the special grade Extra Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Green."

Example, U. S. No. 1 Extra Green Soybean Hay.

(4) *Green Hay*—(i) *Requirements.* Green Hay shall be hay of any of the grades lower than grade No. 1 of any of the classes in group VII which has 40 percent or more but less than 55 percent green color.

(ii) *Grade designation.* When the special grade Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Green."

Example, U. S. No. 2 Green Soybean Light Johnson Mixed Hay.

(5) *Coarse Hay*—(i) *Requirements.* Coarse Hay shall be hay of any of the grades of any of the classes in group VII in which more than 30 percent of the soybean stalks have diameters equal to or greater than the diameter of No. 4 steel wire (approximately twenty-three one-hundredths of an inch), by W & M standard wire gage standards.

(ii) *Grade designation.* When the special grade Coarse is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Coarse."

Example, U. S. No. 2 Coarse Soybean Hay.

§ 57.10 *Cowpea and Cowpea Mixed Hay (Group VIII)*—(a) *Classes and class requirements.*

Class	Mixture percentages
Cowpea.....	Cowpea hay with not over 15 percent of grasses.
Cowpea light grass mixed.	A mixture of cowpea hay and grasses with over 15 percent but not over 30 percent of grasses.
Cowpea heavy grass mixed.	A mixture of cowpea hay and grasses with over 30 percent but not over 60 percent of grasses.

Class	Mixture percentages
Cowpea light Johnson mixed.	A mixture of cowpea hay and Johnson grass with over 10 percent but not over 20 percent of Johnson grass.
Cowpea heavy Johnson mixed.	A mixture of cowpea hay and Johnson grass with over 30 percent but not over 70 percent of Johnson grass.

(b) *Numerical and sample grades and grade requirements for all classes of Cowpea and Cowpea Mixed Hay.*

U. S. grade	Leafiness of cowpea hay (minimum percent of leaves, including seed pods in which the seeds are not more than one-half developed) ¹	Color	Maximum percent of foreign material
No. 1.....	40	Shall be green to greenish yellow or greenish brown.	10
No. 2.....	25	May be greenish yellow or greenish brown to brown.	15
No. 3.....	10	May be brown or weathered.	20
Sample grade.	Hay which does not come within the requirements of any of the numerical grades; or which contains more than a trace of injurious foreign material; or which has any objectionable odor; or which is undercured, heating, hot, wet, musty, moldy, caked, badly broken, badly weathered, badly overripe, or very dusty; or which is otherwise of distinctly low quality.		

¹ Does not apply in the classes Cowpea Heavy Grass Mixed Hay and Cowpea Heavy Johnson Mixed Hay.

(c) *Special grades for Cowpea and Cowpea Mixed Hay*—(1) *Extra Leafy Hay*—(i) *Requirements.* Extra Leafy Hay shall be hay of any of the grades of the classes Cowpea, Cowpea Light Grass Mixed, and Cowpea Light Johnson Mixed in group VIII in which the leafiness of the cowpea hay is 50 percent or more, with most of the leaves clinging to the stems.

(ii) *Grade designation.* When the special grade Extra Leafy is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Leafy."

Example, U. S. No. 1 Extra Leafy Cowpea Hay.

(2) *Leafy Hay*—(i) *Requirements.* Leafy Hay shall be hay of any of the grades lower than grade No. 1 of the classes Cowpea, Cowpea Light Grass Mixed, and Cowpea Light Johnson Mixed in group VIII in which the leafiness of the cowpea hay is 40 percent or more, but shall not include hay in which the leafiness of the cowpea hay meets the requirements for extra leafy hay.

(ii) *Grade designation.* When the special grade Leafy is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Leafy."

Example, U. S. No. 2 Leafy Cowpea Hay.

(3) *Extra Green Hay*—(i) *Requirements.* Extra Green Hay shall be hay of any of the grades of any of the classes in

group VIII which has a natural green color.

(ii) *Grade designation.* When the special grade Extra Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Green."

Example, U. S. No. 1 Extra Green Cowpea Hay.

(4) *Green Hay*—(i) *Requirements.* Green Hay shall be hay of any of the grades lower than grade No. 1 of any of the classes in group VIII which has a green to greenish yellow or greenish brown color.

(ii) *Grade designation.* When the special grade Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Green."

Example, U. S. No. 3 Green Cowpea Light Grass Mixed Hay.

§ 57.11 *Peanut and Peanut Mixed Hay (Group IX)*—(a) *Classes and class requirements.*

Class	Mixture percentages
Peanut.....	Peanut hay with not over 10 percent of grasses.
Peanut light grass mixed.	A mixture of peanut hay and grasses with over 10 percent but not over 30 percent of grasses.
Peanut heavy grass mixed.	A mixture of peanut hay and grasses with over 30 percent but not over 60 percent of grasses.

(b) *Numerical and sample grades and grade requirements for all classes of Peanut and Peanut Mixed Hay.*

U. S. grade	Leafiness of peanut hay (minimum percent of leaves, including whole peanut pods) ¹	Color	Maximum percent of foreign material
No. 1.....	25	Shall be green to greenish brown.	10
No. 2.....	15	May be greenish brown to brown.	15
No. 3.....	5	May be brown or weathered.	20
Sample grade.	Hay which does not come within the requirements of any of the numerical grades; or which contains more than a trace of injurious foreign material; or which has any objectionable odor; or which is undercured, heating, hot, wet, musty, moldy, caked, badly weathered, badly overripe, or very dirty; or which is otherwise of distinctly low quality.		

¹ Does not apply in the class Peanut Heavy Grass Mixed Hay.

² Grades No. 1 and No. 2 may be dusty but shall not contain any appreciable quantity of soil or dirt.

(c) *Special grades for Peanut and Peanut Mixed Hay*—(1) *Extra Leafy Hay*—(i) *Requirements.* Extra Leafy Hay shall be hay of any of the grades of the classes Peanut and Peanut Light Grass Mixed in group IX in which the leafiness of the peanut hay is 35 percent or more.

(ii) *Grade designation.* When the special grade Extra Leafy is applicable there shall be added to and made a part of the grade designation, preceding the

name of the class, the words "Extra Leafy."

Example, U. S. No. 1 Extra Leafy Peanut Hay.

(2) *Leafy Hay*—(i) *Requirements.* Leafy Hay shall be hay of any of the grades lower than grade No. 1 of the classes Peanut and Peanut Light Grass Mixed in group IX in which the leafiness of the peanut hay is 25 percent or more, but shall not include hay in which the leafiness of the peanut hay meets the requirements for extra leafy hay.

(ii) *Grade designation.* When the special grade Leafy is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Leafy."

Example, U. S. No. 2 Leafy Peanut Light Grass Mixed Hay.

(3) *Extra Green Hay*—(i) *Requirements.* Extra Green Hay shall be hay of any of the grades of any of the classes in group IX which has a natural green color.

(ii) *Grade designation.* When the special grade Extra Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the words "Extra Green."

Example, U. S. No. 1 Extra Green Peanut Hay.

(4) *Green Hay*—(i) *Requirements.* Green Hay shall be hay of any of the grades lower than grade No. 1 of any of the classes in group IX which has a green to greenish brown color.

(ii) *Grade designation.* When the special grade Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Green."

Example, U. S. No. 2 Green Peanut Heavy Grass Mixed Hay.

§ 57.12 *Grass Hay (Group X)*—(a) *Class and class requirements.* The group Grass Hay shall have one class, namely, Grass Hay, which shall be (1) hay containing more than 60 percent of grasses, sedges, and/or rushes other than timothy, Johnson grass, upland grasses, midland grasses, grain cut for hay, millet, and/or Sudan grass; or (2) hay consisting of mixtures of upland grasses, midland grasses, timothy, and/or other grasses, and containing not more than 10 percent of legumes, which does not

(2) *Green Hay*—(i) *Requirements.* Green Hay shall be hay of any of the grades lower than grade No. 1 of the class Grass Hay in group X which has 50 percent or more but less than 65 percent green color, but shall not include hay that is stained.

(ii) *Grade designation.* When the special grade Green is applicable there shall be added to and made a part of the grade designation, preceding the name of the class, the word "Green."

Example, U. S. No. 2 Green Grass Hay, Redtop.

§ 57.13 *Mixed Hay (Group XI)*—(a) *Class and class requirements.* The group Mixed Hay has one class, namely, Mixed Hay, which shall be any mixture of hay not classified in the groups I to X, inclusive, but which contains 50 percent or more singly or in combination of alfalfa, timothy, clover, upland grasses, midland grasses, grasses (as defined in § 57.1 (k)), Johnson grass, grain hay, vetch hay, lespedeza, soybean hay, cowpea hay, and peanut hay.

(b) *Grades for Mixed Hay*—(1) *Grade requirements.* Mixed Hay shall be graded according to the grade requirements and the specifications in §§ 57.1 through 57.12 for the kind of hay which predominates in the mixture, except that all numerical and special grade specifications pertaining to leafiness, stemminess, coarseness, and fineness shall be disregarded.

(2) *Grade designation.* The grade designation for Mixed Hay shall include successively, in the order named, (i) the letters "U. S."; (ii) the number of the grade or the words "Sample grade," as the case may be, and any special grade that may apply; (iii) the words "Mixed Hay"; and (iv) the name and approximate percentage of each kind of hay which constitutes more than 10 percent of the mixture listed in the order of decreasing percentages.

SUBPART B—UNITED STATES STANDARDS FOR STRAW¹

§ 57.50 *Terms identified.* For the purposes of the United States standards for straw:

(a) *Straw.* Straw shall be the stems, leaves, and chaff of the grain plants,

¹The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et seq.).

wheat, oat, barley, rye, and rice, which remain after threshing, and may include not more than 10 percent (of the total straw) of timothy and other grasses that are not coarse and woody.

(b) *Chaff.* Chaff shall be shattered glumes, and pieces of straw not over 4 inches in length.

(c) *Foreign material.* Foreign material shall be matter other than straw, except grasses that are not coarse and woody.

§ 57.51 *Principles governing application of standards.* The following principles shall apply in the determination of the grades of straw:

(a) *Basis of grade determinations.* (1) The determination of chaff, foreign material, temperature, odor, and general condition shall be on the basis of the straw as a whole.

(2) The determination of color shall be on the basis of the method prescribed by the Grain Branch, Production and Marketing Administration, United States Department of Agriculture.

(b) *Methods of determining percentages.* Percentages of chaff and foreign material shall be ascertained by weight.

§ 57.52 *Grades for straw*—(a) *Numerical and sample grades and grade requirements for straw.*

U. S. grade	Color	Maximum percent of chaff
No. 1.....	Bright	35
No. 2.....	Weathered or stained	35
Sample grade.....	Straw which does not come within the requirements of any of the numerical grades or which contains more than 15 percent of chaff or more than 10 percent of foreign material, or which is heated, hot, moldy, musty, impure, stained, badly weathered, or very dusty; or which is otherwise of distinctly low quality.	

(b) *Grade designation.* Grade designations for straw shall include successively in the order named: (1) The letters "U. S."; (2) the number of the grade or the words "Sample grade," as the case may be, and any special grade that may apply; (3) the words "Wheat Straw," "Oat Straw," "Barley Straw," "Rye Straw," or "Rice Straw," as the case may be. In the case of mixed straw the names of the different kinds of straw shall be given in the grade designation.

(c) *Special grades for straw*—(1) *Straight rye straw*—(i) *Requirements*. Straight rye straw shall be rye straw of any grade which has been threshed without opening the sheaves or permitting the straw to pass through the threshing machine and which has been pressed into large box-pressed bales.

(ii) *Grade designation*. When the special grade Straight is applicable there shall be added to and made a part of the grade designation, preceding the name of the kind of straw, the word "Straight."

Example, U. S. No. 1 Straight Rye Straw.

(2) *Long rye straw*—(i) *Requirements*. Long rye straw shall be rye straw of any grade which has been threshed without opening the sheaves or permitting the straw to pass through the threshing machine and which has been pressed into perpetual-pressed bales.

(ii) *Grade designation*. When the special grade Long is applicable there shall be added to and made a part of the grade designation, preceding the name of the kind of straw, the word "Long."

Example, U. S. No. 2 Long Rye Straw.

(3) *Chaffy straw*—(i) *Requirements*. Chaffy straw shall be wheat straw, oat straw, barley straw, rye straw, or rice straw, as the case may be, of any grade which contains more than 35 percent of chaff.

(ii) *Grade designation*. When the special grade of Chaffy is applicable, there shall be added to and made a part of the grade designation, preceding the name of the kind of straw, the word "Chaffy."

Example, U. S. No. 2 Chaffy Wheat Straw.

Effective date. The foregoing standards shall become effective July 1, 1949, and on said date shall supersede the United States Standards for Hay and Straw which became effective September 1, 1944.

The foregoing standards change the color specifications for certain classes of hay provided in the 1944 standards to conform to the present requirements of the trade, provide new classes Timothy Light Clover Mixed Hay and Timothy Heavy Clover Mixed Hay to replace the class Timothy Clover Mixed Hay, and make other minor changes in the form of the standards.

Use of the foregoing standards under the Agricultural Marketing Act and the Farm Products Inspection Act is permissive and not mandatory in any respect, and the standards are issued for the benefit of the hay and straw industry and the public generally. The hay and straw season for the current year will begin for most parts of the country about July 1, and in order to be of maximum benefit to the industry and the public and to avoid confusion through the use of two different standards during the same season, the foregoing standards should be made effective at that time. Therefore, it is found under section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) that good cause exists for the issuance of such standards effective less than 30 days after their publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 21st day of June 1949. Witness my hand and

the seal of the United States Department of Agriculture.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5073; Filed, June 23, 1949;
8:53 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 857.2]

PART 857—PUERTO RICO

PROPORTIONATE SHARE FOR FARMS IN PUERTO RICO FOR 1949-50 CROP

Pursuant to the provisions of section 302 (b) of the Sugar Act of 1948, the following determination is hereby issued:

§ 857.2 *Proportionate shares for sugarcane farms in Puerto Rico for the 1949-50 crop*—(a) *Farm proportionate share*. Subject to the adjustments provided in subsequent paragraphs, the proportionate share for each farm shall be established in terms of sugar, raw value, as follows:

(1) *Old farms*. The proportionate share for each farm for which a base is established pursuant to paragraph (b) of this section, except those farms to which subparagraph (2) of this paragraph applies, shall be determined by applying to the farm base, as established pursuant to paragraph (b) of this section, a conversion factor (which will be announced subsequently) to be computed by obtaining the sum of the amounts estimated to be needed to fill the quotas for Puerto Rico and provide a normal carry-over inventory, by subtracting therefrom the estimated amount of the carry-over inventory on January 1, 1950, and the estimated amounts of marketings resulting from the application of subparagraphs (2) and (3) of this paragraph, and by dividing the result by the total of the bases for all farms to which this subparagraph applies.

(2) *Small farms*. The minimum proportionate share for any farm for which a base is established pursuant to paragraph (b) of this section shall be 10 short tons of sugar, raw value.

(3) *New farms*. The proportionate share for any farm from which no sugarcane was marketed (or processed) for the extraction of sugar during the base period as specified in paragraph (b) of this section, shall be the sum of (i) 50 percent of the amount of sugar recoverable, as appraised by the Caribbean Area Office of the Production and Marketing Administration, San Juan, Puerto Rico (hereinafter referred to as the "PMA Office"), from gran cultura or primavera sugarcane planted thereon on or before the date of issuance of this determination, and (ii) 25 percent of the amount of sugar reconvertible, as appraised by the PMA Office, from primavera sugarcane planted thereon after the date of issuance of this determination: *Provided, however*, That the minimum proportionate share for any such farm operated by

a producer who resides on the farm and derives the major portion of his income from the farm, shall be 10 short tons of sugar, raw value: *And provided further*, That a proportionate share shall not be established for any new farm unless an application therefor is filed with the PMA Office, in the manner prescribed by the Director of such office.

For the purpose of this determination gran cultura shall mean sugarcane planted between July 1 and December 31, 1948, and primavera shall mean sugarcane planted between January 1 and June 30, 1949.

(b) *Farm bases*. A base shall be established for each farm from which sugarcane was marketed (or processed) for the extraction of sugar or liquid sugar from any of the 1946-47, 1947-48, and 1948-49 crops (hereinafter referred to as the "base period"), by (1) dividing by three the total production of sugar, raw value, from sugarcane marketed (or processed) from the farm during the base period, (2) adding to the quotient so obtained the highest production of sugar, raw value, from any of such crops, and (3) dividing by two the sum so obtained: *Provided, however*, That for the purpose of this paragraph, if the production from any crop in the base period was less than 80 percent of the normal yield for the acreage harvested for sugar (as computed pursuant to the determination of normal yields applicable to that crop), the production from such crop shall be deemed to be 80 percent of such normal yield.

(c) *Reallotment of deficits*. If the proportionate shares established in accordance with the foregoing provisions for one or more farms, except the farms for which minimum proportionate shares are established pursuant to subparagraphs (2) and (3) of paragraph (a) of this section, are not filled, such proportionate shares shall be reduced accordingly, and the proportionate shares then in effect for all farms within the same sugar mill area which can supply any part of such unfilled portions, shall be increased by prorating the aggregate amount of such deficits among such farms on the basis of their proportionate shares established pursuant to paragraph (a) of this section, as adjusted pursuant to paragraph (g) of this section.

(d) *Tolerances*. The requirements of section 301 (b) of the act with respect to the amount of sugarcane grown and marketed (or processed) from any farm shall be deemed to have been met if the amount of sugar recovered therefrom does not exceed the proportionate share for such farm by more than the applicable tolerance in the table below. However, any amount of sugar in excess of the proportionate share although within the applicable tolerance shall be excluded in computing the amount of sugar on which payment is to be made with respect to such farm under section 302 (a) of the act.

Proportionate share (short tons)	Tolerance (short tons)
Not more than 15.....	1.0
More than 15 but not more than 25.....	1.5
More than 25 but not more than 40.....	2.0
More than 40 but not more than 65.....	2.5
More than 65 but not more than 100.....	3.0

Proportionate share (short tons)	Tolerance (short tons)
More than 100 but not more than 150	3.5
More than 150 but not more than 300	4.0
More than 300 but not more than 750	4.5
More than 750	(¹)

¹ 5.0, or 1/4 of 1% of the proportionate share, whichever is larger.

(e) *Share tenant and share cropper protection.* In addition to compliance with the proportionate share for the farm in accordance with this determination, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) That the number of share tenants or share croppers engaged in the production of sugarcane of the 1949-50 crop on any farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the Director of the PMA Office; and

(2) That such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or other producer any payments to which share tenants or share croppers would be entitled if their leasing or cropping agreements for the previous crop were in effect.

(f) *Delegation.* Farm bases and farm proportionate shares shall be established and reallocation of deficits shall be made as provided above by the Director of the PMA Office who shall be guided by instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, in accordance with this determination.

(g) *Appeals.* The producer of sugarcane on any farm who is subjected to an undue hardship by reason of the proportionate share established for his farm pursuant to this determination, may within 15 days after notice thereof is forwarded to him, file an appeal with the Caribbean Area Committee of the Production and Marketing Administration (hereinafter referred to as the "Committee"), % the PMA Office. The Committee may adjust such proportionate share by an amount deemed to be equitable, after consideration of the interest of such producer as related to the interests of all other producers and shall notify such producer of its decision in writing as soon as practicable, but not later than 30 days, after receipt of his appeal. If the producer is dissatisfied with the decision of the Committee he may, within 15 days after such decision is forwarded to him, appeal in writing to the Secretary of Agriculture, or the Secretary may, on his own initiative, within such 15-day period review the decision of the Committee. In either case, the Secretary may make such adjustment in the proportionate share as he deems necessary.

STATEMENT OF BASES AND CONSIDERATIONS

General. Proportionate shares for sugarcane farms must be established for each crop since marketing within such shares constitutes a condition for payments to producers under the Sugar Act. Restrictive proportionate shares are required in any area when the production will be greater than the quantities necessary to fill the quotas and provide a nor-

mal carryover inventory for such area. Although restrictive proportionate shares were in effect under the Sugar Act of 1937 for several crops in Puerto Rico, it was not necessary to restrict marketings of sugarcane from the 1941-42 and subsequent crops. It was desirable to encourage rather than restrict production from most of these crops. Production of sugarcane in Puerto Rico has increased significantly since the war.

Sugar Act requirements. Section 301 (b) of the act provides as a condition for payment to producers, that there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugarcane grown on the farm and used for the production of sugar or liquid sugar, in excess of the proportionate share for the farm, as determined by the Secretary, of the total quantity of sugarcane required to be processed to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm.

Section 302 (b) provides that in determining the proportionate share for a farm the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or share croppers.

Situation indicated for 1950. The sugar extracted from sugarcane crops grown in Puerto Rico is normally marketed in the year in which it is produced, with comparatively small amounts carried over for marketing in the following year. Although the amount of carryover at the beginning of 1949 was insignificant, the 1948-49 crop has been estimated by the industry at approximately 1,274,000 short tons. While weather conditions may cause final outturn of the crop to fall somewhat short of this estimate, indications are that the carryover of sugar into 1950 will be sufficiently large to require curtailment of the 1949-50 crop in order to avoid an excessive carryover into 1951.

Public hearing. In view of the likelihood that restriction of the 1949-50 crop would be necessary, an informal public hearing was held in San Juan on March 3 to obtain the views of interested persons on this subject. Approximately 80 persons attended the hearing, 17 of whom presented testimony. While the testimony dealt with many pertinent matters with respect to restrictive proportionate shares, the most important

were (a) the amount of sugar to be considered as a normal carryover inventory, (b) the base period to be selected as a measure of past production, (c) the manner of measurement of ability to produce, and (d) the problem created for many farms because of drought in recent years. The testimony received at the hearing, the briefs filed since that time, and other available information have been considered in arriving at the conclusions herein.

Shares in terms of sugar. Proportionate shares are expressed, as formerly, in terms of sugar, rather than in acreage or tonnage of sugarcane. This basis is feasible in Puerto Rico under prevailing sugarcane marketing methods and it provides maximum flexibility with respect to the percentage of acreage to be devoted to gran cultura, primavera, and ratoon cane. It also permits flexibility in the extent of fertilization, irrigation, and other cultural practices.

Base period. The 1946-47, 1947-48, and 1948-49 crops have been selected as being the most representative of Puerto Rican production and have been designated as the base period under the determination. While the use of a three-year period was supported in the hearing, there were recommendations for the use of longer periods, chiefly a six-year period. However, some persons opposed the use of a six-year period because the 1943-44, 1944-45, and 1945-46 crops were seriously affected by drought conditions in parts of the Island. Also it was pointed out that a shortage of fertilizer resulted in subnormal yields of sugar during the war years. The 1943-44 crop was seriously curtailed by drought throughout the Island, and the next two crops were significantly affected in various parts of the Island, with the most serious damage occurring in the southern part. In view of these circumstances, the use of the six-year period as a measure of past production would not have resulted in fair and equitable treatment for many farms unless extensive adjustments were provided. Such adjustments would have created serious administrative problems and might not have eliminated many inequities. On the other hand, while production from the last three crops was reduced somewhat by drought in certain localities, the use of these three crops, with the adjustments in production data explained below, will provide equitable results.

Past production. Past production for the farm is one of the standards which the act specifies that the Secretary may consider in establishing proportionate shares. In measuring past production under the determination, the total production of sugar for the farm during the base period is divided by three. If for any crop during the base period the production from the farm was less than 80 percent of the normal production from the acreage harvested (as established pursuant to the normal yield determination for that particular crop), the production for that crop is deemed to be 80 percent of such normal production. The substitution of 80 percent of the normal production for the actual production is considered necessary to provide equita-

ble treatment for the comparatively few farms on which production from one or more of the crops in the relatively short base period was abnormally low due to drought conditions. This adjustment will give effect in some measure to past production for a longer period, because normal yields represent the average yields obtained from several crops prior to the base period. Since the yields obtained in individual years will vary as much as 20 percent from normal, it appears necessary to make adjustments only for yields below the 80 percent level. This is the same level as that specified in the Sugar Act for computing crop deficiency payments.

Ability to produce: This is the other standard specified in the act for consideration of the Secretary in establishing proportionate shares. The ability of any farm to produce sugarcane involves many factors, the measurement of which is not administratively feasible, as for example, the availability of suitable land, irrigation water, seed, fertilizer, labor, financing, equipment and management. Accordingly, a measure has been adopted which is administratively feasible and which is a reasonable yardstick of ability to produce. This measure is the highest production on the farm from any crop in the base period.

Weighting of standards. For reasons explained above, it has been necessary to select a short base period for measuring past production. Even so, some farms have produced sugarcane in only one or two of the years within such period. A heavy weighting applied to the measure of past production would result in inequities to producers on such farms on which production commenced when restrictive proportionate shares were not in effect. On the other hand, a heavy weighting applied to the measure of ability would be unfair to producers with a longer production record. In view of this situation, it is deemed necessary in the interest of establishing proportionate shares fair to all to give equal weighting to past production and ability to produce.

Proportionate shares for old farms. The proportionate shares for farms (other than small farms) on which there was production during the base period will be computed by applying to farm bases a conversion factor which will represent the relationship of requirements for sugar from such farms from the 1949-50 crop to the total of the bases for all such farms. The conversion factor will be announced later when it can be more accurately determined.

Small farms. The minimum proportionate share for any farm for which a base is established will be 10 short tons of sugar. More than one-half of the sugarcane farms in Puerto Rico produce less than this amount. A reduction in the production from these small farms would work a severe hardship on the producers. Further, since the total production from such farms aggregates less than 5 percent of the total production in Puerto Rico, the absence of restriction with respect to their production will have negligible effect on the proportionate shares for other farms. The establish-

ment of a minimum proportionate share at this level is in line with the recommendations received at the hearing.

Proportionate shares for new farms. The minimum share for each new farm (no production in the base period) is 10 tons of sugar, provided the operator lives on the farm and derives the major portion of his income therefrom. Otherwise, the proportionate share for each new farm will be the sum of (1) 50 percent of the estimated yield from gran cultura and primavera sugarcane planted prior to the date of this determination, as appraised by the PMA Office, and (2) 25 percent of the estimated yield from primavera sugarcane planted on or after the date of this determination, as appraised by the PMA Office.

Although sugar legislation containing restrictive provisions has been in effect continuously since September of 1937, marketing restrictions on sugarcane have not been necessary for any of the past 7 crops in Puerto Rico. Moreover, the production from several of those crops was encouraged through programs carried out by the Department. Furthermore, prior to the announcement of the recent hearing, the Department did not give indication of necessity for curtailment of the 1949-50 crop and producers on new farms had no indication of the extent to which they would be eligible for participation in the proportionate share program prior to the issuance of this determination. These circumstances warrant proportionate shares which in some cases may be in excess of the 10-ton minimum, but it would be inequitable to provide shares for these farms which are equal to or greater than the shares established for farms on which production began with the 1948-49 crop. Therefore, for new farms on which sugarcane was planted prior to the date of this determination, a share representing 50 percent of the appraised production is provided. In addition, provision is made for the establishment of shares representing 25 percent of appraised production from sugarcane planted on new farms after the date of the determination. An application for a proportionate share must be filed with the PMA Office for each new farm.

Deficits in farm marketings. If the proportionate share established for any farm, except a farm for which the minimum proportionate share is established, is not filled, the share for such farm will be reduced accordingly, and the unfilled portion will be prorated on the basis of the proportionate shares in effect at the time, among all farms within the mill area which can supply any part of such unfilled portions. The proration of deficits is deemed advisable in order to permit production to reach the 1949-50 production objective. Proration upon an island-wide basis is not practicable because of variations by mill areas in the time of harvest operations.

Tolerances. Because of variations in sugar yields, it is impossible to gauge the marketing of sugarcane so as to exactly fill proportionate shares. Therefore, the determination provides certain marketing tolerances, varying with levels of production. However, Sugar Act payments will be computed only on marketings within proportionate shares.

Tenant and share cropper protection. The provisions designed to protect these classes of producers are identical to those in effect for the last two crops and have been found to furnish adequate protection.

Appeals. The conditions which prevail for a few farms may be such that the provisions of this determination will result in undue hardship. The determination provides that, upon proper application, adjustments may be made in the proportionate shares for such farms. The interests of all producers will be taken into consideration in making such adjustments. Accordingly, I hereby find and conclude that the foregoing proportionate share determination will effectuate the applicable provisions of the Sugar Act of 1948.

(Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Issued this 21st day of June 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5071; Filed, June 23, 1949;
8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to notice published in the FEDERAL REGISTER (14 F. R. 2804), consideration has been given to the suspension of the provision, "January through June", appearing in § 927.5 (a) (1) (ii) of the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, hereinafter referred to as the "order".

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and to the order, and after having considered all relevant information, including the written data, views, and arguments which were filed with the Hearing Clerk pursuant to the notice above referred to, it is hereby found and determined, that:

(a) The provision, "January through June", appearing in § 927.5 (a) (1) (ii) of the order does not tend to effectuate the declared policy of the act; and

(b) In accordance with the Administrative Procedure Act (5 U. S. C. 1001 et seq.), the giving of 30 days' prior notice of the effective date hereof is found to be impracticable, unnecessary, and contrary to the public interest in that it is necessary to make effective not later than July 1, 1949, this suspension order to reflect current marketing conditions, to facilitate, promote, and maintain the orderly marketing of milk produced for the New York metropolitan milk marketing area, and to insure the production of an adequate supply of milk for that market for future months. Notice of consideration of this suspension action was published in the FEDERAL REGISTER on

May 27, 1949 (14 F. R. 2804). The changes effected by this suspension do not require substantial or extensive preparation by the persons affected prior to the effective date. The time intervening between the date of issuance of this suspension and its effective date affords the persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That, the provision, "January through June", appearing in § 927.5 (a) (1) (ii) of the order be and hereby is suspended.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 1946 ed., 601 et seq.)

Issued at Washington, D. C., this 21st day of June 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5054; Filed, June 23, 1949;
8:49 a. m.]

PART 971—MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

ORDER, AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Sec.	
971.0	Findings and determinations.
971.1	Definitions.
971.2	Market administrator.
971.3	Reports, records and facilities.
971.4	Classification.
971.5	Minimum prices.
971.6	Application of provisions.
971.7	Handler's obligation and uniform price.
971.8	Payment for milk.
971.9	Expense of administration.
971.10	Marketing services.
971.11	Cooperative association payments.
971.12	Effective time, suspension, or termination.
971.13	Agents.
971.14	Separability of provisions.
971.15	Termination of obligations.

AUTHORITY: §§ 971.0 to 971.15 issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246, 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534; 61 Stat. 951.

§ 971.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of the order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.) a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, market-

ing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Determinations.* It is hereby determined that handlers (excluding co-operative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the Dayton-Springfield, Ohio, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during February 1949 (said month having been determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Dayton-Springfield, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 971.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

(c) "Dayton-Springfield, Ohio, marketing area," hereinafter called the "marketing area," means the cities of Dayton, Oakwood, and Springfield; the townships of Bath and Miami, in Greene County; the townships of Miami, Jefferson, Madison, Van Buren, Harrison, Butler, Mad River, and Washington, in Montgomery County; and German township in Clark County; all in the State of Ohio.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person who produces, under a dairy farm inspection permit or other equivalent certification issued by the appropriate health authority in the marketing area, milk which is (1) received at a plant from which Class I milk is disposed of in the marketing area, or (2) caused by a handler to be delivered to a plant from which Class I milk is not disposed of in the marketing area; *Provided*, That any such person who is not certified as a Grade A producer but who produces milk which is received at a handler's plant from which no milk is distributed in the marketing area for consumption as fluid milk (in Class I milk) except under a Grade A label, shall be considered a producer for the purposes of § 971.9 (a) only.

(f) "Grade A producer" means any producer certified to the market administrator as a Grade A producer by an appropriate health authority in the marketing area if such certification has been in effect for not less than 16 days during the month.

(g) "Handler" means (1) any person, except a person who receives other source milk only, with respect to milk (including any milk from his own farm production) received by him at a plant from which Class I milk is disposed of in the marketing area, or (2) any co-operative association, or other person included under subparagraph (1) of this paragraph, with respect to any milk produced under a dairy farm inspection permit or other equivalent certification issued by the appropriate health authority in the marketing area which such cooperative association or person causes to be delivered to a plant from which Class I milk is not disposed of in the marketing area. Milk caused to be delivered by a handler in accordance with subparagraph (2) of this paragraph shall be considered as having been received by such handler. With respect to milk caused by a handler to be delivered directly from the producer's farm to another handler, the handler to be considered as receiving such milk shall

be determined by written agreement between the two handlers filed with the market administrator on or before the 5th day after the end of the first month during which it becomes effective, or in the absence of such an agreement, shall be determined by the market administrator.

(h) "Other source milk" means all skim milk and butterfat received by a handler other than in (1) milk received from producers or associations of producers and (2) any non-fluid milk product received and disposed of in the same form.

(i) "Cooperative association" means any cooperative association of producers which, as determined by the Secretary, has (1) its entire activities under the control of its members, and (2) meets the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act."

(j) "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized to perform the price reporting functions specified in § 971.5.

§ 971.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of the Secretary.

(b) *Powers.* The market administrator shall have the power:

(1) To administer this order in accordance with its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations of the provisions hereof; and

(3) To make rules and regulations to effectuate the terms and provisions hereof.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Within 45 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(3) Pay, out of the funds provided by § 971.9, (i) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses, except those incurred under § 971.10, which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(4) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate.

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 971.3 (a), or (ii) payments pursuant to § 971.8;

(6) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(7) On or before the 12th day after the end of each month, report to each cooperative association for such month, with respect to each handler, the utilization, on a pro rata basis, of milk of producers, payment for which is to be made to such cooperative association pursuant to § 971.8 (a); and

(8) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any person upon whose utilization the classification of milk depends.

§ 971.3 *Reports, records, and facilities*—(a) *Monthly report of receipts and utilization.* On or before the 7th day after the end of each month, each handler shall report to the market administrator for each plant, with respect to all milk and milk products received during such month, in the detail and on forms prescribed by the latter, (1) the butterfat tests, quantities, and sources of all milk, skim milk, cream, and other milk products received; (2) the utilization thereof; and (3) such other information with respect to such receipts and utilization as the market administrator may request.

(b) *Other reports.* (1) Each handler who receives at his plant only milk from his own farm production or from other handlers shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(2) On or before the 22d day after the end of each month each handler shall submit to the market administrator such handler's producer pay roll for such month, which shall show (i) the total pounds of milk received from each producer and association of producers and the total pounds of butterfat contained in such milk, (ii) the amount of payment to each producer and association of producers, and (iii) the nature and amount of the deductions and charges involved in the payments referred to in subdivision (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such amounts and records of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify, or to establish the correct data with respect to (1) the utilization, in whatever form, of all skim milk and butterfat received; (2) the weights, samples, and tests for butterfat content of all milk and milk products previously received or utilized or currently being received or utilized; and (3) payments to producers and associations of producers.

(d) *Retention of records.* All books and records required to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided*, That if, within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 971.4 *Classification*—(a) *Basis of classification.* All skim milk and butterfat contained in milk, or in skim milk, cream, and other milk products received by a handler at a plant from which Class I milk is disposed of in the marketing area or caused to be delivered in the manner described in § 971.1 (f) (2) shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c) and (d) of this section, the classes of utilization shall be:

(1) Class I milk shall be all skim milk and butterfat disposed of in fluid form (except that which has been dumped or disposed of for livestock feeding) as (i) milk, including reconstituted milk; (ii) skim milk; (iii) buttermilk; (iv) flavored milk or flavored milk drinks; and (v) all skim milk or butterfat not specifically accounted for as Class II or Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of (i) in fluid form as sweet or sour cream; (ii) in fluid form as any mixture of cream and milk (or skim milk) which contains 8 percent or more but less than 18 percent of butterfat.

(3) Class III milk shall be all skim milk and butterfat specifically accounted for as (i) used to produce, or disposed of as, ice cream, ice cream mix, frozen cream, condensed milk, condensed skim milk, cottage cheese, any other milk product not specified in Class I and Class II milk, or any commercially manufactured food product; (ii) having been dumped or disposed of for livestock feeding; or (iii) plant shrinkage but not in excess of 2½ percent, respectively, of the total receipts of skim milk or butterfat, not including skim milk or butterfat received from other handlers: *Provided*, That skim milk or butterfat transferred by a handler to any plant of another handler, without first having been weighed and tested in the transferring handler's plant, shall be included in the receipts at the plant of the handler weighing and

testing such skim milk or butterfat for the purpose of computing his plant shrinkage to be classified as Class III milk and shall be excluded from the receipts of the transferring handler for the purpose of computing his plant shrinkage to be classified as Class III milk.

(c) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in paragraphs (b) and (d) of this section, the burden rests upon the handler to account for all skim milk and butterfat received by him and to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(2) Any skim milk or butterfat classified in one class shall be reclassified if later used or disposed of (whether in original or other form) by a handler in another class, in accordance with such later use or disposition.

(d) *Transfers.* (1) Subject to the conditions set forth in paragraph (c) of this section, skim milk or butterfat when transferred in fluid form as milk, skim milk, flavored milk, flavored milk drinks, or buttermilk, by a handler who receives milk from producers or from an association of producers shall be classified (i) in the class as agreed upon by both handlers if transferred to a handler other than as described in subdivision (ii) of this subparagraph, subject to verification by the market administrator; (ii) as Class I milk, if transferred to a handler who receives no milk from producers or from an association of producers other than such handler's own farm production; and (iii) as Class I milk if transferred by a handler to a person other than a handler who distributes milk in fluid form or manufactures milk products: *Provided*, That if the selling handler on or before the 7th day after the end of the month during which the transfer was made furnishes to the market administrator a statement which is signed by the buyer and the seller that such skim milk or butterfat was used as a product covered by Class II milk or Class III milk, such skim milk or butterfat shall be classified accordingly, subject to verification by the market administrator.

(2) Subject to the conditions set forth in paragraph (c) of this section, skim milk and butterfat when transferred in fluid form as cream from a handler who receives milk from producers or from an association of producers shall be classified (i) in the class as agreed upon by both handlers if transferred to a handler other than as described in subdivision (ii) of this subparagraph, subject to verification by the market administrator; (ii) as Class II milk if transferred to a handler who receives no milk from producers or from an association of producers other than such handler's own farm production; and (iii) as Class II milk if transferred by a handler to a person other than a handler who distributes cream in fluid form or manufactures milk products: *Provided*, That if the selling handler on or before the 7th day after the end of the month during which the transfer was made furnishes to the market administrator a

statement which is signed by the buyer and the seller that such skim milk and butterfat was used as a product covered by Class I milk or Class III milk, such skim milk and butterfat shall be classified accordingly, subject to verification by the market administrator.

(e) *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler for such month and compute the respective amounts of skim milk and butterfat from milk of producers and of associations of producers in Class I milk, Class II milk, and Class III milk, as follows:

(1) Determine the handler's total receipts by adding together the total pounds of milk, skim milk, and cream received, and the pounds of butterfat and skim milk used to produce all other milk products received;

(2) Determine the total pounds of butterfat contained in the receipts computed pursuant to subparagraph (1) of this paragraph;

(3) Determine the total pounds of skim milk contained in the receipts computed pursuant to subparagraph (1) of this paragraph;

(4) Determine the total pounds of butterfat in Class I milk by: (i) Computing the sum of the pounds of butterfat disposed of in each of the several items of Class I milk; and (ii) adding all other butterfat not specifically accounted for as Class II milk or Class III milk;

(5) Determine the total pounds of skim milk in Class I milk by: (i) Computing the sum of the pounds (not including flavoring materials) disposed of as each of the several items of Class I milk; (ii) subtracting the result obtained in subparagraph (4) (i) of this paragraph; and (iii) adding all other skim milk not specifically accounted for as Class II milk or Class III milk;

(6) Determine the total pounds of butterfat in Class II milk by computing the sum of the pounds of butterfat disposed of in each of the several items of Class II milk;

(7) Determine the total pounds of skim milk in Class II milk by: (i) Computing the sum of the pounds of milk, skim milk, and cream disposed of in each of the several items of Class II milk; and (ii) subtracting the result obtained in subparagraph (6) of this paragraph;

(8) Determine the total pounds of butterfat in Class III milk by: (i) Computing the sum of the pounds of butterfat used to produce each of the several items of Class III milk; and (ii) adding the plant shrinkage of butterfat computed pursuant to paragraph (b) (3) (iii) of this section;

(9) Determine the total pounds of skim milk in Class III milk by: (i) Computing the sum of the pounds of milk, skim milk, cream, and other milk products which were used to produce each of the several items of Class III milk; (ii) subtracting the result obtained in subparagraph (8) (i) of this paragraph; and (iii) adding the plant shrinkage of skim milk computed pursuant to paragraph (b) (3) (iii) of this section; and

(10) Determine the classification of milk received from producers and from associations of producers by:

(i) Subtracting, respectively, from the total pounds of skim milk and butterfat in each class, in sequence beginning with Class III milk; the pounds of skim milk and butterfat received as other source milk;

(ii) Subtracting, respectively, from the remaining pounds of skim milk and butterfat in each class, in sequence beginning with Class III milk, the pounds of skim milk and butterfat received from any handler who receives no milk from producers or from associations of producers other than such handler's own farm production;

(iii) Subtracting, respectively, from the remaining pounds of skim milk and butterfat in each class, the pounds of skim milk and butterfat received from handlers other than those described in subdivision (ii) of this subparagraph, and used in such class; and

(iv) Subtracting, respectively, from the remaining pounds of skim milk and butterfat in each class, in sequence beginning with Class III milk, the pounds of skim milk and butterfat by which the total pounds, respectively, in all classes exceed the pounds of milk received from producers and from associations of producers.

§ 971.5 *Minimum prices*—(a) *Basic formula price to be used in determining Class I milk and Class II milk prices.* The basic formula price per hundredweight of milk to be used in determining the Class I milk and Class II milk prices for the month as provided by this section shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content determined pursuant to subparagraphs (1), (2), or (3) of this paragraph:

(1) The market administrator shall compute an average of the basic (or field) prices ascertained to have been paid for milk of 3.5 percent butterfat content received during such month at the following places for which prices are reported to the market administrator by the companies listed below or by the Department of Agriculture:

Company and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The market administrator shall compute a price as provided below in this subparagraph:

(i) Calculate the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk cream-

ery butter during such month as reported by the Department of Agriculture for the Chicago market, and multiply such average by 6;

(ii) Add 2.4 times the arithmetical average of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within such month as published by the Department of Agriculture;

(iii) Divide by 7 and to the resulting amount add 30 percent; and

(iv) Multiply the amount computed in subdivision (iii) of this subparagraph by 3.5.

(3) The market administrator shall compute a price by adding together the plus amounts calculated pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average price of butter computed pursuant to subparagraph (2) (i) of this paragraph, subtract 3 cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) Calculate the arithmetical average of the carlot prices per pound of roller process nonfat dry milk solids in barrels for human consumption at Chicago for the weeks ending within such month as reported by the Department of Agriculture, deduct 5.5 cents, and multiply the result by 8.2.

(b) *Class I milk prices.* The price to be paid by each handler f. o. b. his plant for that portion of skim milk and butterfat in milk received from producers and from associations of producers which is classified as Class I milk shall be computed by the market administrator as follows:

(1) Add to the basic formula price the following amount for the months indicated:

Month:	Amount
April, May, June, and July	\$0.75
All others	1.05

Provided, That the price of Class I milk for any of the months of October through December, inclusive, shall not be lower than the arithmetical average of the prices computed for such class pursuant to this subparagraph (prior to this proviso) for the two months immediately preceding; and the price of Class I milk for any of the months of April through June, inclusive, shall not be higher than the arithmetical average of the prices computed for such class pursuant to this subparagraph (prior to this proviso) for the two months immediately preceding.

(2) The price per hundredweight of Class I butterfat shall be the average price of butter computed pursuant to paragraph (a) (2) (i) of this section multiplied by 135.

(3) The price per hundredweight of Class I skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.035; (ii) subtracting such amount from the sum obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(c) *Class II milk prices.* The price to be paid by each handler f. o. b. his plant for that portion of skim milk and butterfat in milk received from producers and

associations of producers which is classified as Class II milk shall be computed by the market administrator as follows:

(1) Add to the basic formula price the following amount for the months indicated:

Month:	Amount
April, May, June, and July	\$0.45
All others	.75

Provided, That the price of Class II milk for any of the months of October through December, inclusive, shall not be lower than the arithmetical average of the prices computed for such class pursuant to this subparagraph (prior to this proviso) for the two months immediately preceding; and the price of Class II milk for any of the months of April through June, inclusive, shall not be higher than the arithmetical average of the prices computed for such class pursuant to this subparagraph (prior to this proviso) for the two months immediately preceding.

(2) The price per hundredweight of Class II butterfat shall be the average price of butter computed pursuant to paragraph (a) (2) (i) of this section multiplied by 130.

(3) The price of Class II skim milk shall be computed by (i) multiplying the price for butterfat pursuant to subparagraph (2) of this paragraph by 0.035; (ii) subtracting such amount from the sum obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.965; and (iv) rounding off to the nearest full cent.

(d) *Class III milk prices.* The prices to be paid by each handler f. o. b. his plant for that portion of skim milk and butterfat in milk received from producers and from associations of producers which is classified as Class III milk shall be computed by the market administrator as follows:

(1) Calculate the price per hundredweight of butterfat by multiplying the average price of butter computed pursuant to paragraph (a) (2) (i) of this section by 120 for the months of April, May, June, and July, and by 125 for all other months; *Provided,* That the price per hundredweight of butterfat made into butter shall be computed for all months by multiplying the average price of butter computed pursuant to paragraph (a) (2) (i) of this section by 120, and then subtracting \$3.60.

(2) The price per hundredweight of such skim milk shall be computed by dividing the amount computed pursuant to paragraph (a) (3) (ii) of this section by 0.965, and (i) for the months of April, May, June, and July, subtracting 20 cents, (ii) for all other months except August, adding 20 cents.

(e) *Grade A milk prices.* Each handler shall pay, in addition to the prices provided in paragraphs (b), (c), and (d) of this section, \$0.25 per hundredweight with respect to all skim milk and butterfat in milk received from Grade A producers up to an amount equivalent to such handler's total quantity of producer milk classified as Class I milk and Class II milk pursuant to § 971.4 (e) (10).

§ 971.6 *Application of provisions.* Sections 971.5, 971.7, 971.8, 971.9, 971.10, 971.11, and 971.12 shall not apply to a handler who receives at his plant only

milk of his own farm production or from other handlers.

§ 971.7 *Handler's obligation and uniform price—(a) Value of milk.* The value of milk of each handler for each month shall be a sum of money computed by the market administrator by:

(1) Multiplying by the applicable class prices for skim milk and butterfat, pursuant to paragraphs (b), (c), and (d) of § 971.5, the amounts of skim milk and butterfat in each class which were received either in milk from producers or from an association of producers during such month, and adding together such amounts;

(2) Adding any amount required pursuant to § 971.5 (e);

(3) Adding an amount equal to the value of any skim milk or butterfat subtracted pursuant to § 971.4 (e) (10) (iv) at the applicable price for the class (or classes) from which such skim milk or butterfat was subtracted;

(4) Adding an amount computed by multiplying the differences between the Class III price and the price of the class of disposition by the respective quantities of any skim milk or butterfat disposed of by a handler as Class I or Class II milk which was received as milk, skim milk or cream from a handler who receives no milk from producers or an association of producers other than from his own farm production; and

(5) Adding or subtracting, as the case may be, any amount necessary to correct any errors discovered by the market administrator in the verification of reports or payments of such handler for any previous month which result in payments due the producer-settlement fund or the handler.

(b) *Notification.* On or before the 12th day after the end of each month the market administrator shall notify each handler of the value of his milk for such month as computed in accordance with paragraph (a) of this section and of the amount by which such value is greater or less than the total amount required to be paid by such handler pursuant to § 971.8 (a).

(c) *Computation of the uniform price.* For each month the market administrator shall compute, with respect to milk received by handlers from producers and from associations of producers, a uniform price per hundredweight by:

(1) Combining into one total the values for skim milk and butterfat of all handlers, except those of handlers who failed to make payments required pursuant to § 971.8 (d) for the preceding month and except the values provided by § 971.5 (e);

(2) Adding an amount representing not less than one-half the unobligated balance in the producer-settlement fund;

(3) Subtracting an amount equivalent to the monies to be retained pursuant to § 971.11 (b);

(4) Subtracting, if the weighted average butterfat test of all pooled milk is greater than 3.5 percent, or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total hundredweight of butterfat represented by the difference of such weighted

average butterfat test from 3.5 percent by the Class III price for butterfat, as computed prior to the proviso in § 971.5 (d).

(5) Dividing by the hundredweight of pooled milk; and

(6) Subtracting not less than 4 cents nor more than 5 cents.

The result shall be known as the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers and from associations of producers for such month.

(7) To the uniform price computed pursuant to subparagraph (6) of this paragraph add an amount computed (to the nearest cent per hundredweight) by dividing the total of the amounts required pursuant to § 971.5 (e) by the total hundredweight of milk received from Grade A producers. The result shall be known as the "Grade A uniform price" per hundredweight for milk of 3.5 percent butterfat content for such month.

(d) *Butterfat differential.* For each month the market administrator shall compute to the nearest one-tenth cent a butterfat differential by dividing the Class III price per hundredweight of butterfat for such month, as computed prior to the proviso in § 971.5 (d) by 1,000.

(e) *Announcement of prices.* (1) On or before the 6th day after the end of each month the market administrator shall notify all handlers and make public announcement of the class prices for skim milk and butterfat received from producers or from associations of producers during such month.

(2) On or before the 12th day after the end of each month the market administrator shall notify all handlers and make public announcement of the uniform prices computed pursuant to paragraph (c) of this section for such month, and of the butterfat differential computed pursuant to paragraph (d) of this section for such month.

§ 971.8 *Payment for milk—(a) Time and method of final payment.* Each handler shall pay on or before the 17th day after the end of each month, for all milk received from producers during such month, subject to the butterfat differential announced pursuant to § 971.7 (e) (2) and less the amount of the payment made pursuant to paragraph (b) of this section, as follows: To each producer not a Grade A producer at not less than the uniform price and to each Grade A producer at not less than the Grade A uniform price: *Provided*, That a total amount not less than the sum of the amounts payable to individual producers from which a cooperative association has received written authorization to collect payment, shall be paid to such association on or before the 16th day after the end of such month.

(b) *Partial payments.* (1) On or before the 27th day of each month each handler shall make payment except as set forth in subparagraph (2) of this paragraph, to each producer at not less than \$2 per hundredweight for the milk of such producer which was received by such handler during the first 15 days of such month.

(2) On or before the 26th day of each month, each handler shall make payment to an association of producers for milk of producers from whom such cooperative association has received written authorization to collect payment, at not less than \$2 per hundredweight for all such milk which was received by such handler during the first 15 days of such month.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (d) of this section and out of which he shall make all payments due to handlers pursuant to paragraph (e) of this section: *Provided*, That the market administrator shall offset any such payment due any handler against payments due from such handler.

(d) *Payments to the producer-settlement fund.* On or before the 14th day after the end of each month, each handler shall pay to the market administrator the amount by which the total value of his milk for such month is greater than the sum required to be paid by such handler pursuant to paragraph (a) of this section.

(e) *Payments out of the producer-settlement fund.* (1) On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount by which the sum required to be paid producers by such handler pursuant to paragraph (a) of this section is greater than the total value of the milk of such handler for such month.

(2) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 16th day after the end of any month, has not received full payment for such month from the market administrator pursuant to this paragraph shall be deemed to be in violation of paragraph (a) of this section if he reduces his payments per hundredweight thereunder by not more than the amount of the reduction in payment from the market administrator.

(f) *Adjustment of errors.* Whenever verification by the market administrator of the payment by a handler to a producer or to an association of producers, pursuant to paragraph (a) or paragraph (b) of this section, discloses payment of less than is required, the handler shall make up such payment not later than the time for making payment pursuant to paragraph (a) or paragraph (b) of this section next following such disclosure.

§ 971.9 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 971.2 (c) (3), each handler shall pay to the market administrator, on or before the 14th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to receipts during such month of:

(a) Milk from producers (including such handler's own production); and

(b) Other source milk classified as Class I milk and Class II milk.

§ 971.10 *Marketing services—(a) Deductions.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 5 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, from the payments made pursuant to § 971.8, with respect to all milk received by such handler during each month from producers (not including such handler's own production) and from associations of producers, and shall pay such deductions to the market administrator on or before the 14th day after the end of such month. Such monies shall be used by the market administrator to verify weights, samples, and tests of such milk received by handlers and to provide such producers and associations of producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by him and responsible to him.

(b) *By cooperative associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may have been authorized by such producers and, on or before the 16th day after the end of the month, pay over such deductions to the cooperative association rendering such services.

§ 971.11 *Cooperative association payments—(a) Eligibility.* Upon application to the Secretary, any cooperative association duly organized under the laws of any State which he determines, after appropriate inquiry or investigation, to be conforming to the provisions of such laws; to be operating as a producer-controlled marketing association exercising full authority in the sale of milk of, and assuming responsibility for making payments to some of its members; to be maintaining individually or in collaboration with other qualified cooperative associations, a competent staff for dealing with marketing problems and to be complying with all provisions hereof applicable to such cooperative association, shall be entitled, under the further conditions hereinafter specified, to receive, on and after such date as the Secretary shall deem to be appropriate, until the time as of which such payments have been suspended in the manner provided in paragraph (d) of this section, payments as follows: At the rate of one-half cent per hundredweight on all milk (1) marketed by it on behalf of those members for whom it is exercising full authority in the sale of milk and is assuming responsibility for making payments, and (2) on which reports and payments have been made as required under §§ 971.3 (a) and 971.8.

(b) *Payment.* The market administrator, upon receiving from a cooperative association an application for payments

pursuant to this section, shall retain for each month thereafter in the producer-settlement fund such sum as he estimates is ample to make such payments to the applicant. Such sum shall be held in reserve until the Secretary has ruled upon said application and, when the application has been ruled upon, the market administrator shall make payment or issue credit out of such reserve in accordance with said ruling and shall release the balance of the reserved sum, if any, for disposition pursuant to § 971.7 (c) (2). Also, the market administrator, except as provided in paragraph (d) of this section, shall make, on or before the 15th day of each month, such payments or issue credit therefor out of the producer-settlement fund, subject to verification of the facts upon which the amount of payment is based.

(c) *Reports.* Each cooperative association qualified to receive payments pursuant to this section shall, from time to time as requested by the market administrator, make reports to him with respect to its conformity with any or all of the conditions for qualification or to the use of such payments, and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(d) *Suspension.* Whenever he has reason to believe that such association is no longer qualified to receive payment, the market administrator shall suspend payment upon his own initiative or upon request by the Secretary, by giving written notice to the cooperative association and to the Secretary. Such suspended payments shall be aggregated and held in reserve until the Secretary, after giving notice and opportunity for hearing, has appraised the performance of the cooperative association in meeting the conditions set forth in paragraph (a) of this section, and either has issued an order for a partial or complete payment of funds held in reserve to the cooperative association or an order disqualifying such association. Such an order by the Secretary shall be made effective as of whatever date he may deem appropriate. Any balance of funds held in reserve and not paid to the cooperative association shall be released for disposition pursuant to § 971.7 (c) (2).

§ 971.12 *Effective time, suspension, or termination.*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof, whenever he finds that this order or any provision hereof, obstructs, or does not tend to effectuate, the declared policy of the act. This order shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires

further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until discharged by the Secretary, (ii) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 971.13 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 971.14 *Separability of provisions.* If any provision of this order, or the application thereof to any person or circumstances, is held invalid, the remainder of the order, and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 971.15 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk

involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Issued at Washington, D. C., this 21st day of June 1949, to be effective on the 1st day of August 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5069; Filed, June 23, 1949; 8:52 a. m.]

PART 981—IRISH POTATOES GROWN IN
SOUTHEASTERN STATES

SAFEGUARDS FOR SPECIAL SHIPMENTS

§ 981.104 *Potatoes; special shipments in Southeastern States.*—(a) *Findings.* Pursuant to Marketing Agreement No.

104 and Order No. 81 (13 F. R. 2709) regulating the handling of potatoes grown in the Southeastern States production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Southeastern Potato Committee (established under said marketing agreement and order) and other available information, it is hereby found that the following rules and regulations prescribing safeguards for shipments of Irish potatoes to washers for the purpose of washing and grading such potatoes are necessary and incidental to administration of such marketing agreement and order, that such rules and regulations will tend to effectuate regulations issued thereunder and the declared policy of the act. Therefore, such rules and regulations and the relaxation of regulations pursuant to such rules and regulations are hereby approved.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) harvesting and marketing of the 1949 crop has already begun in the production area, (2) information with respect to the prospective special shipments referred to in this section did not become available to the committee until their meeting at which recommendations for these safeguards were made, (3) notice with respect to the recommendations of the committee have been given to handlers and producers of potatoes in the production area, (4) compliance with the rules and procedures herein established will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof, (5) a reasonable time is permitted under the circumstances for such preparation, and (6) the rules and procedures set forth in this section must be made effective on the date hereinafter set forth to effectuate the regulations issued pursuant to the marketing agreement and order and to effectuate the declared policy of the act.

(b) *Order.* (1) All potatoes shipped to washers in the production area for processing are hereby declared to be shipped for a specified purpose pursuant to § 981.6 (c), and a certificate or certificates of privilege must be obtained thereon prior to such shipment.

(2) Each handler who first ships potatoes to washers as aforesaid shall, as a prerequisite to such shipments, apply to the Southeastern Potato Committee for a certificate or certificates of privilege thereon, and each such application shall show:

- (i) The name and address of the shipper;
- (ii) The destination of such shipment;
- (iii) The type of carrier to be used;
- (iv) The amount of potatoes covered by such application; and
- (v) That, in appropriate cases, the proposed shipment to washers is ap-

proved under other applicable U. S. Government programs.

(3) Each handler who ships potatoes pursuant to the provisions hereof shall authorize the committee or its duly authorized representative to inspect bills of sale, contracts, and relevant correspondence with respect to such shipments for the purpose of determining if such shipments were in fact shipped for the specified purpose.

(4) (i) The committee shall give, or cause its duly authorized representative to give, immediate consideration to each application received pursuant to subparagraph (2) of this paragraph. Pursuant to such consideration each application shall be approved on the basis of compliance with subparagraphs (2) and (3) of this paragraph, and upon the committee being satisfied that the proposed shipment is in fact to be made for the specified purpose.

(ii) Each handler whose application, submitted to the committee and acted upon pursuant hereto, has been disapproved shall be notified in writing of such action by the committee.

(5) *Certificate of privilege.* (i) Upon each application being approved pursuant to subparagraph (4) of this paragraph, the committee shall issue, or cause to be issued, a certificate or certificates of privilege.

(ii) Each such certificate shall authorize the shipment of potatoes to a washer at a specified point within the production area and, in addition, such certificate shall direct the handler who ships such potatoes to report, as the committee may direct, the volume and destination of potatoes shipped thereunder and such other information as the Secretary or the committee may request.

(iii) The original of each certificate of privilege shall be given to the handler named therein and one copy thereof shall be retained by the committee.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and Order No. 81. (48 Stat., as amended, 7 U. S. C. 601 et seq.; 7 CFR, Part 981; 13 F. R. 2709, 2965, 3112)

Done at Washington, D. C., this 21st day of June 1949, to become effective upon the publication hereof in the FEDERAL REGISTER.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5074; Filed, June 23, 1949; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Production and Marketing Administration (Packers and Stockyards Division), Department of Agriculture

PART 201—REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), and after con-

sideration of all the data, views and argument submitted as a result of the notice of proposed rule making published in the FEDERAL REGISTER on May 5, 1949, (14 F. R. 2243), §§ 201.19 and 201.22 of the regulations issued under the Packers and Stockyards Act (9 CFR, Part 201), are hereby amended, effective thirty (30) days from the date of publication in the FEDERAL REGISTER, to read as follows:

§ 201.19 *Size, style, and number of copies.* Schedules of rates and charges and amendments thereto of stockyard owners, market agencies, and licensees shall be printed or typed on paper which is approximately 8 by 11 inches in size, the lines of print or type being horizontal to the 8-inch dimension. Three copies of each such schedule or amendment shall be filed as provided in § 201.22 and at least one copy shall be signed by the market agency, stockyard owner, or licensee filing the same.

§ 201.22 *Time and place schedules, rules or regulations, and amendments to be filed and posted by stockyard owners, market agencies, and licensees.* All schedules and rules or regulations and amendments or supplements thereto required to be filed under this act by market agencies and stockyard owners shall be kept at their places of business and kept open for public inspection at their places of business. Licensees shall post schedules of rates, charges, and rentals in a conspicuous location in their places of business where they may be readily observed by any interested person. Unless the requirement as to filing and notice is specifically waived, as provided for in section 306 (c) of the act, all amendments to schedules or rules or regulations changing a rate or charge shall be filed with the Packers and Stockyards Division, Livestock Branch, Production and Marketing Administration at Washington, D. C., not less than ten (10) days before the effective date thereof: *Provided, however,* That in the case of a tariff supplement which relates only to changes in feed charges, determined on a cost plus a specified margin basis as provided for in the basic tariff schedule of the stockyard involved, such a tariff supplement shall be filed with supporting data, disclosing the average cost of the feed on hand, with the District Office of the Packers and Stockyards Division of the Livestock Branch, Production and Marketing Administration, for the district in which the stockyard filing the supplement is located, and such supplement shall become effective two (2) days thereafter.

The purpose of the amendment of § 201.22 is to permit feed tariff supplements which, according to the basic tariff schedule, are based on cost of the feed plus a specified margin, to be made effective promptly after the average cost of the feed on hand requires a change in the specified feed charge. The amendment will shorten the interval between the time that the average cost of feed on hand changes and the time that such changes are reflected in published tariffs. The purpose of the amendment of § 201.19 is to make its provisions consistent with § 201.22 as amended.

(Sec. 407, 42 Stat. 169; 7 U. S. C. 228)

Done at Washington, D. C., this 21st day of June 1949. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5056; Filed, June 23, 1949;
8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

TEXAS

The Rent Regulations under the Housing and Rent Act of 1947, as amended are corrected in the following respects:

1. In Item 3 of Amendment 107 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12),¹ the description of the counties in Houston, Texas, Defense-Rental Area is corrected by deleting the word "Chambers" so that the description of the counties, as corrected, will read as follows:

Harris, and Liberty County except the City of Liberty.

2. In Item 3 of Amendment 102 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92),² the description of the counties in Houston, Texas, Defense-Rental Area is corrected by deleting the word "Chambers" so that the description of the counties as corrected will read as follows:

Harris, and Liberty County except the City of Liberty.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This correction shall become effective June 21, 1949.

Issued this 21st day of June 1949.

E. D. DUPREE, Jr.,
Acting Housing Expediter.

[F. R. Doc. 49-5063; Filed, June 23, 1949;
8:46 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,³ Amdt. 108]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

KANSAS AND TENNESSEE

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Es-

tablishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule A, Item 120 is amended by deleting all of said Item 120 which relates to Montgomery County.

This decontrols from §§ 825.81 to 825.92 (1) the City of Coffeyville and the City of Caney in Montgomery County, Kansas, a portion of the Parsons, Kansas, Defense-Rental Area, based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Montgomery County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

2. Schedule A, Item 291, is amended to describe the counties in Defense-Rental Area as follows:

Carroll, except the Town of Huntingdon; Gibson, except the City of Humboldt; and Madison.

This decontrols from §§ 825.81 to 825.92 the City of Humboldt in Gibson County, Tennessee, a portion of the Jackson-Milan-Humboldt, Tennessee, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective June 21, 1949.

Issued this 21st day of June 1949.

E. D. DUPREE, Jr.,
Acting Housing Expediter.

[F. R. Doc. 49-5064; Filed, June 23, 1949;
8:46 a. m.]

[Controlled Housing Rent Reg.,⁴ Amdt. 113]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

KANSAS AND TENNESSEE

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, Item 120, is amended by deleting all of said Item 120 which relates to Montgomery County.

This decontrols from §§ 825.1 to 825.12 (1) the City of Coffeyville and the City of Caney, in Montgomery County, Kansas, a portion of the Parsons, Kansas, Defense-Rental Area, based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2).

the remainder of said Montgomery County on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

2. Schedule A, Item 291, is amended to describe the counties in Defense-Rental Area as follows:

Carroll, except the Town of Huntingdon; Gibson, except the City of Humboldt; and Madison.

This decontrols from §§ 825.1 to 825.12 the City of Humboldt in Gibson County, Tennessee, a portion of the Jackson-Milan-Humboldt, Tennessee, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894).

This amendment shall become effective June 21, 1949.

Issued this 21st day of June 1949.

E. D. DUPREE, Jr.,
Acting Housing Expediter.

[F. R. Doc. 49-5065; Filed, June 23, 1949;
8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5706]

PART 180—LIQUORS AND ARTICLES FROM PUERTO RICO AND VIRGIN ISLANDS

TAXPAYMENT IN PUERTO RICO UPON WITHDRAWAL AFTER RECTIFICATION OR BOTTLING

1. On February 10, 1949, notice of proposed rule making regarding the taxpayment of distilled spirits in Puerto Rico for shipment to the United States was published in the FEDERAL REGISTER (14 F. R. 596).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, Regulations 24 (26 CFR, Part 180), approved June 16, 1941, are amended by adding to Subpart I thereof a new article, numbered and titled "XI—A—Taxpayment in Puerto Rico upon Withdrawal after Rectification or Bottling" and a new section numbered "93a," as follows:

TAXPAYMENT IN PUERTO RICO UPON WITHDRAWAL AFTER RECTIFICATION OR BOTTLING

§ 180.93a *Requirements*—(a) *Applicable procedure*. Distilled spirits of less than 190 degrees of proof, wines and fermented malt liquor (hereinafter referred to as "liquors," unless otherwise indicated) intended for shipment to the United States, which are withdrawn from producing or storage premises for entry into bonded rectification sections, bottling sections, or bonded warehouses, in accordance with the Spirits and Alcoholic Beverages Act, as amended, of Puerto Rico, shall be subject to the requirements of this section, and §§ 180.1 to 180.93,

¹ 14 F. R. 3234.

² 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8219, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1759, 1869, 1932, 2061, 2062, 2085, 2176, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 3079, 3121, 3153, 3201, 3234.

³ 13 F. R. 5706, 5788, 5789, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 8217, 8218, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 682, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2605, 2607, 2608, 2695, 2746, 2761, 2796, 2897, 3079, 3120, 3152, 3200, 3234.

in so far as such sections may be applicable.

(b) *Formula.* Following entry into a bonded rectification or bottling section for rectification or bottling, all liquors shall be rectified and/or bottled in accordance with an approved formula prescribed by §§ 180.13 to 180.17.

(c) *Gauging.* The alcoholic constituents of all liquors constituting a specific bottling lot shall be ascertainable from records maintained in accordance with insular requirements. In gauging liquors for taxpayment, the insular internal revenue agent will prepare Form 1520 to show separately all distilled spirits and wines according to taxable gallonage. See paragraph (d) of this section, and §§ 180.31, 180.32, and 180.43. The formula number under which the liquors were produced or manufactured for shipment to the United States will also be shown on the Form 1520.

(d) *Basis for taxpayment.* The taxes on distilled spirits shall be paid on the basis of wine gallons, if below proof, or proof gallons, if 100 proof or above, in accordance with the proof ascertained by the insular gauger prior to entry of the spirits into the bonded rectification section, or bonded bottling section, pursuant to appropriate entries in records prescribed by the insular authorities.

(e) *Taxpayment.* Taxpayment shall be made at the rate prescribed by law. The prescribed taxes shall be paid at the time of withdrawal of the liquors pursuant to issuance of the appropriate insular permit. A copy of the Form 1520 covering the gauging of the liquors shall accompany the insular permit, Form 487A, when presented to the deputy collector for taxpayment. See §§ 180.32, 180.36, 180.39, and 180.44.

(f) *Red strip stamps.* United States internal revenue red strip stamps will be procured from the deputy collector for affixing to bottles of spirits intended for shipment to the United States. Where the tax is paid in accordance with paragraph (e) of this section, such stamps may be affixed to the bottles prior to taxpayment. The provisions of §§ 180.66 to 180.78, shall govern the purchase, overprinting, affixing, reporting, etc., of red strip stamps procured and used under this section.

(g) *Withdrawal for shipment to United States.* Withdrawal of liquors for shipment to the United States may be made only after tax payment, if so required by the insular withdrawal permit, Form 487B. Any liquors, upon which the United States internal revenue taxes have not been paid, intended for

shipment to the United States, must be withdrawn, shipped, and tax paid upon arrival in the United States, in accordance with applicable provisions of §§ 180.1 to 180.93. (Secs. 2800, 2803, 3030, 3176, 3360, and 4041, I. R. C.)

3. These amendments are designed to establish a procedure for the tax payment of distilled spirits and other alcoholic beverages in Puerto Rico after withdrawal for rectification or bottling, in order to make stocks of such liquors available for shipment to the United States under the Puerto Rican law as amended.

4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(53 Stat. 298, 303, 347, as amended, 375, 405, 495; 26 U. S. C. 2800, 2803, 3030, 3176, 3360, 4041)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: June 21, 1949.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 49-5075; Filed, June 23, 1949;
9:00 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR, Part 6]

MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), as amended, notice is hereby given that the Secretary of the Interior intends to take the following action:

Subject to final determinations upon completion of investigations pertaining to migratory game bird populations, to adopt amendments to the regulations under the aforesaid act establishing specifications relating to open seasons and shooting hours, bag limits, possession, and transportation of migratory game birds, and also in connection with the issuance of permits for scientific and propagating purposes.

The foregoing regulations are to be effective beginning September 1, 1949, and to continue in effect until further notice.

Interested persons are hereby given an opportunity to participate in preparing the regulations for issuance as set forth by submitting their views, data, or arguments in writing to Albert M. Day,

Director, Fish and Wildlife Service,
Washington 25, D. C.

[SEAL] WILLIAM E. WARNE,
Assistant Secretary of the Interior.

JUNE 16, 1949.

[F. R. Doc. 49-5051; Filed, June 23, 1949;
8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 1146]

CHARLES ABRAMSON, INC., ET AL.

NOTICE OF PETITION FOR MODIFICATION OF RATES

In re the licensees operating as Commission Merchants in the designated area of New York City, New York, formerly styled: Secretary of Agriculture v. Charles Abramson, Inc.; Acme Commission Co., Inc.; Avon Commission Co., Inc.; Bodine and Hinrichs, Inc.; Bonway Commission Co., Inc.; Brooklyn Poultry Commission Co., Inc.; Central Commission Co.; Chelsea Live Poultry Co., Inc.; Anton Snizek, doing business as S. DeNoyelles and Co.; Sol Frankel, Inc.; Nathan S. Garlick and Annie Garlick, a partnership doing business as Michael Garlick and Son; Garlick Poultry Co., Inc.; Julius Kastein, Inc.; Max Kossar Poultry Corporation; Krakaur Poultry Co., Inc.; R. Levinson; G. H. Lewis and Sons, Inc.; S. Meyer and Son, Inc.; James

N. Morris, Inc.; Plymouth Live Poultry Corp.; Philip Rosen; H. Rosenstein, Inc.; Sahn Poultry Corporation; Louis J. Schwab and Sons, Inc.; S. S. & B. Live Poultry Corp.; Frederick E. Menke and Elmer H. Menke, a partnership, doing business as Steers and Menke; United Poultry & Egg Co., Inc.; Samuel Werner, Inc.; Western Commission Co., Inc.; and Frederick V. Williamson, doing business as T. S. Williamson & Bro., Respondents.

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on June 6, 1940. This order provided that respondents file and put into effect the following rates and charges:

	Cents per pound
Arrivals by rail.....	3/4
Arrivals by truck:	
Consignments of 1 to 24 baskets.....	1 1/2
Consignments of 25 to 49 baskets.....	1 1/4
Consignments of 50 baskets and over..	1

On June 16, 1949, respondents, through their attorney, filed a petition and on June 21, 1949, respondents' attorney amended the petition by a telegram. The petition, as amended, requests that the rates and charges now in effect be modified on a temporary basis for a period of one year as follows:

Proposed Rates

On consignments of 1 to 5 baskets, inclusive, 2 1/2 cents per pound.
On consignments of more than 5 baskets 2 1/4 cents per pound.

On consignments of turkeys, geese, and capons 3½ cents per pound.

Inasmuch as the modifications petitioned for, if granted, will produce additional revenue for the respondents and increase the cost of marketing to shippers, it appears that public notice of the filing of the petition should be given.

Now, therefore, notice is hereby given of the filing of the petition for modification of the rates presently authorized.

All interested persons who desire to be heard upon the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 21st day of June 1949.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 49-5068; Filed, June 23, 1949; 8:59 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 223154, 2139067]

ARIZONA AND IDAHO

RESTORATION TO HOMESTEAD ENTRY OF LANDS WITHIN COCONINO AND CHALLIS NATIONAL FORESTS

JUNE 16, 1949.

Pursuant to the authority delegated to me by the Secretary of the Interior (43 CFR 4.275 (a) (38), Order No. 2238, August 16, 1946, 11 F. R. 9080), and upon the request of the Department of Agriculture, the lands described below are hereby opened to homestead settlement and entry in accordance with the provisions of the act of June 11, 1906, 34 Stat. 233 (16 U. S. C. 506-509), as amended, and the regulations thereunder in 43 CFR, Part 170, in the manner hereinafter described:

ARIZONA

COCONINO NATIONAL FOREST

Gila and Salt River Meridian

[J. J. Waldhus, preferred applicant. List 3-1818 Amended]

T. 21 N., R. 7 E.,

Sec. 33, in NE¼NW¼, two strips of public land described by metes and bounds, comprising former rights-of-way for a wagon road and a logging railroad, respectively, as shown on H. E. S. 395, filed in the Bureau of Land Management.

The areas described aggregate 1.9 acres.

IDAHO

CHALLIS NATIONAL FOREST

Boise Meridian

[Val Jones, preferred applicant. List 4-2599]

T. 17 N., R. 19 E. (unsurveyed), in Secs. 20, 29, and 30, a tract of public land described by metes and bounds, containing 159.12 acres, more or less, as shown by preliminary supplemental plat H. E. S. 615 on file in the Bureau of Land Management.

1. The person named after each tract, on whose application the land was listed, will be accorded a preference right for 60 days from July 21, 1949, to September 19, 1949, inclusive, within which to make homestead entry of such tract under the said act of June 11, 1906.

2. For a period of 90 days from September 20, 1949, to December 17, 1949, inclusive, the lands, if any, remaining unentered will be subject to entry by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58

No. 121—4

Stat. 747 (43 U. S. C. 279-284), as amended.

3. The lands, if any, which remain unentered at the expiration of the 90-day preference right period, will, on the following business day, become subject to homestead settlement and entry under the provisions of the act of June 11, 1906, by any qualified persons.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 49-5052; Filed, June 23, 1949; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3719]

PIONEER AIR LINES, INC., ET AL.; RENEWAL CASE

NOTICE OF HEARING

In the matter of a renewal and amendment of the temporary certificate of public convenience and necessity for route No. 64 held by Pioneer Air Lines, Inc.; and the temporary suspension, in part, of the certificate of public convenience and necessity for route No. 29 held by Continental Air Lines, Inc.; for route No. 9 held by Braniff Airways, Inc., and for route No. 4 held by American Airlines, Inc.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 401 thereof, the above-entitled proceeding is assigned for hearing on July 18, 1949, at 10:00 a. m. (c. s. t.), in the Stephen F. Austin Hotel, Austin, Texas, before Examiner James M. Verner.

Without limiting the scope of the issues presented by the pleadings in this proceeding, particular attention will be directed to (a) whether the public convenience and necessity require that the certificate of Pioneer Air Lines, Inc., Continental Air Lines, Inc., Braniff Airways, Inc., and American Airlines, Inc., be altered, amended, modified or suspended as provided in the opinion and order to show cause, Order Serial No. E-2680, adopted by the Civil Aeronautics Board on April 4, 1949, and assigned Docket No. 3719, together with the order of the Board, Serial No. E-2943, adopted by the Board on June 16, 1949; (b) whether Pioneer Air Lines, Inc., is a citizen of the United States within the provision of the act and is fit, willing and able to perform the proposed air transportation properly and to conform to the provisions of the Civil Aeronautics Act and the rules, regulations and re-

quirements of the Civil Aeronautics Board thereunder.

For further details of the issues involved in this proceeding the parties are referred to the various orders entered in this proceeding and the Examiner's prehearing conference report which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before July 18, 1949, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., June 20, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-5076; Filed, June 23, 1949; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6215]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF BONDS

JUNE 21, 1949.

Notice is hereby given that, on June 14, 1949, the Federal Power Commission issued its order entered June 14, 1949, authorizing issuance of bonds in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5057; Filed, June 23, 1949; 8:46 a. m.]

[Docket No. G-1181]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING ABANDONMENT OF FACILITIES

JUNE 21, 1949.

Notice is hereby given that, on June 15, 1949, the Federal Power Commission issued its findings and order entered June 14, 1949, issuing certificate of public convenience and necessity and authorizing abandonment of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5058; Filed, June 23, 1949; 8:46 a. m.]

[Project No. 1284]

ETHEL MAY BRUFF AND PORTIA BELLE BRUFF

NOTICE OF ORDER AUTHORIZING ISSUANCE OF
NEW LICENSE (MINOR)

JUNE 21, 1949.

Notice is hereby given that, on June 16, 1949, the Federal Power Commission issued its order entered June 14, 1949, authorizing issuance of new license (minor) in the above-designated matter.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 49-5059; Filed, June 23, 1949;
8:49 a. m.]

[Project No. 1338]

MONTANA POWER CO.

NOTICE OF ORDER ACCEPTING SURRENDER OF
LICENSE (TRANSMISSION LINE)

JUNE 21, 1949.

Notice is hereby given that, on June 16, 1949, the Federal Power Commission issued its order entered June 14, 1949, in the above-designated matter, accepting surrender of license (transmission line), effective December 31, 1948.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 49-5060; Filed, June 23, 1949;
8:49 a. m.]

[Project No. 1862]

CITY OF TACOMA

NOTICE OF ORDER APPROVING EXHIBIT

JUNE 21, 1949.

Notice is hereby given that, on June 15, 1949, the Federal Power Commission issued its order entered June 14, 1949, in the above-designated matter, approving Exhibit L as part of the license.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 49-5061; Filed, June 23, 1949;
8:49 a. m.]

[Project No. 1922]

CITY OF KETCHIKAN, ALASKA

NOTICE OF ORDER APPROVING EXHIBITS AND
ADJUSTING ANNUAL CHARGES

JUNE 21, 1949.

Notice is hereby given that, on June 15, 1949, the Federal Power Commission issued its order entered June 14, 1949, in the above-designated matter, approving Exhibits K and L as part of the license, and adjusting annual charges.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 49-5062; Filed, June 23, 1949;
8:50 a. m.]HOUSING AND HOME FINANCE
AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND
FINAL DELEGATIONS OF AUTHORITY

Section II d, *Field Operations Division*, is amended by substituting the following for the corresponding material which appeared at 14 F. R. 1623.

d. *Field Operations Division*. Each of the three Field Operations Divisions is headed by an Assistant Commissioner for Field Operations, responsible to the Commissioner for the administration of activities in his area. There are several field offices under the supervision of each Assistant Commissioner for Field Operations. The headquarters and jurisdiction of each field office is as follows:

AREA A

New York City: Maine, Massachusetts, Vermont, New Hampshire, Rhode Island, Connecticut, New York, Puerto Rico, and the Virgin Islands. Public Housing Administration, Empire State Building, 350 Fifth Avenue, New York 1, N. Y.

Philadelphia: New Jersey, Pennsylvania, Maryland, and Delaware. Public Housing Administration, Beury Building, 3701 North Broad Street, Philadelphia 40, Pa.

Detroit: Ohio and Michigan. Public Housing Administration, 1800 Barlum Tower, Detroit 26, Mich.

Chicago: Illinois, Indiana, Kentucky, Missouri, Iowa, Minnesota, Wisconsin, North Dakota, South Dakota, Nebraska, and Kansas. Public Housing Administration, Corn Products Building, 201 North Wells Street, Chicago 6, Ill.

AREA B

Atlanta: South Carolina, Tennessee, Georgia, Florida, Alabama, and Mississippi. Public Housing Administration, Georgia Savings Bank Building, Peachtree and Broad Streets, Atlanta 3, Ga.

Fort Worth: Texas, Oklahoma, Arkansas, Louisiana, New Mexico and Colorado. Public Housing Administration, 805 Texas and Pacific Passenger Building, Fort Worth 2, Tex.

Richmond: Virginia, West Virginia, North Carolina, and District of Columbia. Public Housing Administration, 900 North Lombardy Street, Richmond 20, Va.

AREA C

San Francisco: That part of the State of California comprised of the Counties of Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Yuba, Nevada, Sierre, Mendocino, Lake, Colusa, Sutter, Placer, Eldorado, Sonoma, Napa, Yolo, Sacramento, Amador, Marin, San Mateo, Santa Cruz, Solano, Contra Costa, San Joaquin, Calaveras, Alameda, Stanislaus, Alpine, Tuolumne, Mono, San Francisco; Utah, Nevada, and The Territory of Hawaii. Public Housing Administration, 760 Market Street, San Francisco 2, Calif.

Los Angeles: That part of the State of California comprised of the Counties of Monterey, San Benito, Merced, Mariposa, San Luis Obispo, Fresno, Kings, Tulare, Inyo, Kern, Santa Barbara, Ventura, San Bernardino, Los Angeles, Orange, Riverside, San Diego, and Imperial; and Arizona. Public Housing Administration, 756 South Spring Street, Los Angeles 14, Calif.

Seattle: Washington, Oregon, Idaho, Montana, Wyoming, and The Territory of Alaska. Public Housing Administration, 506 Second Avenue, Smith Tower, Seattle 4, Wash.

Section IV, *Special deligation of authority*, paragraph a (14 F. R. 2151) is amended by changing "June 1, 1949" to read "September 1, 1949".

Approved: June 17, 1949.

[SEAL]

JOHN TAYLOR EGAN,
Commissioner.[F. R. Doc. 49-5053; Filed, June 23, 1949;
8:48 a. m.]SECURITIES AND EXCHANGE
COMMISSION

[File No. 1-902]

HARBauer Co.

NOTICE OF APPLICATION TO WITHDRAW SECURITY FROM REGISTRATION AND LISTING ON AN EXCHANGE, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of June A. D. 1949.

The Harbauer Company, an Ohio corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to the Commission to withdraw its Common Stock, No Par Value, from registration and listing on the Cleveland Stock Exchange.

The application, among others, contains the following allegations:

1. The applicant corporation has outstanding 45,093 shares of its common stock of no par value of which 37,255 shares are owned and held by Hunt Foods, Inc., a Delaware corporation, constituting 82.62% of the total issue outstanding. Only 7,838 shares of such stock are outstanding in the hands of holders other than Hunt Foods, Inc., and these holders number less than 100.

2. There is very little trading in the shares of applicant corporation's common stock, only 53 shares having been traded on the Cleveland Stock Exchange in the five months since December 1, 1948, and only 789 shares during the entire year 1948.

3. The small number of stockholders of the applicant corporation and the small number of shares traded on the Cleveland Stock Exchange are such that the advantages to applicant corporation and its stockholders from listing and registration of its stock do not justify the continued listing and registration.

4. The applicant corporation is informed by the Cleveland Stock Exchange that the Exchange presently has no rules pertaining to the removal of a security from listing on that Exchange.

Upon receipt of a request, prior to August 3, 1949, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested per-

son may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-5048; Filed, June 23, 1949;
8:47 a. m.]

[File No. 54-130]

INTERSTATE POWER CO. AND OGDEN CORP.
ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 20th day of June A. D. 1949.

The Commission having issued its findings and opinion on June 7, 1949 (Holding Company Act Release No. 9139) finding a Compromise Plan filed by Ogden Corporation pursuant to section 11 (e) of the Holding Company Act of 1935, to be necessary to effectuate the provisions of section 11 (b) of the act and, if modified in certain respects, to be fair and equitable to the persons affected thereby; and

Said findings and opinion having granted Ogden Corporation a period of fifteen days from the date thereof (or such additional time as may be granted upon application) within which to modify the said Compromise Plan in accordance with certain suggestions noted therein; and

Ogden Corporation having filed an application on June 16, 1949 with the Commission requesting an additional ten days within which to make the said modifications; and

It appearing to the Commission that the granting of said application of Ogden Corporation is not detrimental to the public interest or the interest of investors or consumers;

It is ordered, That the application of Ogden Corporation requesting a ten-day extension of the fifteen day period specified in the Commission's findings and opinion of June 7, 1949 (Holding Company Act Release No. 9139) within which to make certain modifications to the Compromise Plan suggested in said findings and opinion, be, and the same hereby is, granted.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-5049; Filed, June 23, 1949;
8:48 a. m.]

[File No. 811-325]

BANKERS INVESTMENT TRUST OF AMERICA
NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its

office in the city of Washington, D. C., on the 20th day of June A. D. 1949.

Notice is hereby given that Bankers Investment Trust of America ("Bankers"), a registered, closed-end, diversified, management investment company located in Johnstown, Pennsylvania, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940, for an order declaring that it has ceased to be an investment company within the meaning of the act under the provisions of section 3 (c) (1) of the act upon the ground that it is not making and does not presently propose to make a public offering of its securities and its outstanding securities (other than short-term paper) are now beneficially owned by not more than one hundred persons.

It appears from the application that Bankers was organized on December 1, 1926, under the laws of Pennsylvania as a common law trust; that it has outstanding 13,874 Debenture Shares and 97,095 Common Shares; that Lemon L. Smith, president and trustee, and his family own 13,817 Debenture Shares and 95,531 Common Shares; that the remaining 57 Debenture Shares and 1,564 Common Shares are owned by 49 shareholders; that the public shareholders were informed by letter dated April 1, 1949, that Bankers would discontinue operating as an investment trust and would thereafter exist as a personal holding company and that their interest was being liquidated; that on April 28, 1949, the public holders of the Debenture Shares were notified that their shares were being redeemed as of June 30 at the call price of \$10.60 per share; that a letter dated June 6, 1949, was sent to the public shareholders stating that the Common Shares were being liquidated at \$11 per share, which is above net asset value; that the sum of \$50,000 has been deposited with the Moxham National Bank of Johnstown, Pennsylvania, to which bank shareholders were requested to send their certificates for collection.

All interested persons are referred to said application which is on file at the office of this Commission in Washington, D. C., for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application of Bankers Investment Trust of America, subject to such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after June 30, 1949, unless prior thereto a hearing in this matter shall be ordered by the Commission, as provided by Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than June 28, 1949, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon or request the Commission in writing that a hearing be held, stating his reasons therefor, the nature of his interest in the matter and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and

Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-5050; Filed, June 23, 1949;
8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13423]

LUDWIG WULF ET AL.

In re: Bank accounts owned by Ludwig Wulf, Ludwig Wulf, Jr., Wilma Wulf Hanke and Paul Wahlfeld. F-28-30360-E-1, F-28-30361-E-1, F-28-30362-E-1, F-28-30363-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Wulf, Ludwig Wulf, Jr., Wilma Wulf Hanke and Paul Wahlfeld, each of whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ludwig Wulf, by Bank of America, N. T. & S. A., 660 South Spring Street, Los Angeles 54, California, arising out of a Savings Account, account number 6351, entitled Ludwig Wulf, maintained at the branch office of the aforesaid bank located at 8th & J Streets, Sacramento, California, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Ludwig Wulf, Jr., by Bank of America, N. T. & S. A., 660 South Spring Street, Los Angeles 54, California, arising out of a Savings Account, account number 6363, entitled Ludwig Wulf, Jr., maintained at the branch office of the aforesaid bank located at 8th and J Streets, Sacramento, California, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Wilma Wulf Hanke, by Bank of America, N. T. & S. A., 660 South Spring Street, Los Angeles 54, California, arising out of a Savings Account, account number 6361, entitled Wilma Wulf Hanke, maintained at the branch office of the aforesaid bank located at 8th & J Streets, Sacramento, California, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Paul Wahlfeld, by Bank of America, N. T. & S. A., 660 South Spring Street, Los Angeles 54, California, arising out of a Savings Account, account number 6366, entitled Paul Wahlfeld, maintained at the branch office of the aforesaid bank located at 8th & J. Streets,

Sacramento, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or controlled by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5028; Filed, June 22, 1949;
8:54 a. m.]

[Vesting Order 13417]

CHRISTOPH ANDREAE

In re: Debt owing to Christoph Andree. F-28-29300.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christoph Andree, whose last known address is Cologne-Mulheim, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Christoph Andree by H. A. Caesar & Co., 485 Fifth Avenue, New York 17, New York, in the amount of \$1,380.78, as of July 13, 1948, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5024; Filed, June 22, 1949;
8:53 a. m.]

[Vesting Order 13419]

SHOSAKU KOINUMA

In re: Stock owned by Shosaku Koinuma, also known as Shosaku Koimma. F-39-5397-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shosaku Koinuma, also known as Shosaku Koimma, whose last known address is Utsunomiya, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Fifty (50) shares of no par value capital stock of The New York Central Railroad Company, a corporation organized under the laws of the State of New York, evidenced by certificate numbered L 256075, registered in the name of Shosaku Koinuma, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5026; Filed, June 22, 1949;
8:53 a. m.]

ANGELIKI (ANGELINE) PAPPAGIANAKIS
RAPTIS ET AL.

NOTICE OF INTENTION TO RETURN VESTED
PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim Nos., Property, and Location

Angeliki (Angeline) Pappagianakis Raptis, Kalyvia, Greece; 6728 and 35404; \$255.24 in the Treasury of the United States and an undivided one-sixth (1/6) interest in items of personal property hereinafter described.

The following claimants reside at Marcopoulo, Greece:

Demetra Pappagianakis Drakos, 6728 and 35402; \$225.25 in the Treasury of the United States and an undivided one-sixth (1/6) interest in items of personal property hereinafter described.

Anastasia Pappagianakis Boukis, 6728 and 35401; \$255.25 in the Treasury of the United States and an undivided one-sixth (1/6) interest in items of personal property hereinafter described.

Christos Pappagianakis; 6728 and 35403; \$255.24 in the Treasury of the United States and an undivided one-sixth (1/6) interest in items of personal property hereinafter described.

Maria Pappagianakis; 6728 and 40842; \$85.08 in the Treasury of the United States and an undivided one-eighth (1/8) interest in items of personal property hereinafter described.

Sofia K. Pappagianakis Gliati; 6728 and 40840; \$85.08 in the Treasury of the United States and an undivided one-eighth (1/8) interest in items of personal property hereinafter described.

John (Ioannin) Pappagianakis; 6728 and 40841; \$85.08 in the Treasury of the United States and an undivided one-eighth (1/8) interest in items of personal property hereinafter described.

Maria K. Pappagianakis; 6728 and 35400; \$63.81 in the Treasury of the United States and an undivided one-twenty-fourth (1/24) interest in items of personal property hereinafter described.

John (Ioannin) K. Pappagianakis; 6728 and 40839; \$63.81 in the Treasury of the United States and an undivided one-twenty-fourth (1/24) interest in items of personal property hereinafter described.

Katherine Pappagianakis; 6728 and 40837; \$63.81 in the Treasury of the United States

and an undivided one-twenty-fourth (1/24) interest in items of personal property hereinafter described.

Panagiotis (Panayoti) Pappagianakis; 6728 and 40839; \$63.81 in the Treasury of the United States and an undivided one-twenty-fourth (1/24) interest in items of personal property hereinafter described.

Personal property hereinafter referred to consisting of the following items located at the Office of Alien Property, 120 Broadway, New York, N. Y.:

- 1 gold Elgin watch case.
- 1 gold Elgin watch with initials "NJP" engraved.
- 1 gold bracelet with initial "M".
- 1 gold chain with attachments.
- 1 gold ring with initials "NJP" engraved.
- 1 silver ring with red stone.
- 1 Greek fraternity lodge lapel button.
- 1 silver bracelet with white and green stones.
- 1 knife with gold chain attached.
- 4 pocket knives.
- 1 small gold pencil.
- 5 fountain pens.
- 4 Eversharp pencils.

Executed at Washington, D. C., on June 17, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5035; Filed, June 22, 1949;
8:55 a. m.]

[Vesting Order 13422]

KYOITI SUGIMOTO

In re: Stock owned by Kyoiti Sugimoto, also known as Kyoichi Sugimoto. F-39-890-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kyoiti Sugimoto, also known as Kyoichi Sugimoto, whose last known address is Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Seventy (70) shares of \$50.00 par value common capital stock of Anaconda Copper Mining Company, a corporation organized under the laws of the State of Montana, evidenced by certificates numbered 903093, 309581, 310360, and 924147, registered in the name of Kyoiti Sugimoto, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5027; Filed, June 22, 1949;
8:54 a. m.]

[Vesting Order 13325]

PROF. HEINRICH KAYSER

In re: rights in a manuscript work by Prof. Heinrich Kayser entitled "Erinnerungen aus Meinen Leben."

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Prof. Heinrich Kayser, deceased, who, if individuals, there is reasonable cause to believe are residents of Germany and, if corporations, partnerships, associations or other organizations, there is reasonable cause to believe are organized under the laws of and have their principal places of business in Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of whatsoever kind or nature under the statutory and common law of the United States and of the several states thereof, in, to and under the following:

(a) Every right, copyright, claim of copyright, and right to copyright in the work embodied in that certain manuscript, consisting of approximately three hundred forty-four (344) typewritten pages in the German language, bearing the title "Erinnerungen aus Meinen Leben" (Memoirs of My Life) which purports to be the autobiography of Prof. Heinrich Kayser and which is, or has been, in the possession of and/or under the control of Dr. William Frederick Meggers, of Washington, D. C.,

(b) All rights of renewal, reversion and revesting, in the foregoing, and

(c) All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including, but not limited to, the right to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright, or the violation of any right, described in or affecting the foregoing.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany) and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Prof. Heinrich Kayser, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph two hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 1, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5066; Filed, June 23, 1949;
8:52 a. m.]

[Vesting Order 13390]

HEINRICH AND JOHANN VOSSMEYER

In re: Stock owned by and debts owing to Heinrich Vossmeier, also known as Heinrich Vossmeier, and the personal representatives, heirs, next of kin, legatees and distributees of Johann Vossmeier, also known as Johann Vossmeier, deceased. F-28-29280-E-1, F-28-29280-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Vossmeier, also known as Heinrich Vossmeier, whose last known address is 91 Gastfeldstr., Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Johann Vossmeier, also known as Johann Vossmeier, deceased, who there is reasonable cause to believe are

residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Twenty-five (25) shares of no par value capital stock of Briggs Manufacturing Company, 11631 Mack Avenue, Detroit, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by a certificate numbered 5815, registered in the name of Johann Vossmeier, and presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account for J. Henry Schroder & Co., London, England, together with all declared and unpaid dividends thereon.

b. Sixty-eight (68) shares of no par value common stock of Cannon Mills Company, Kannapolis, North Carolina, a corporation organized under the laws of the State of North Carolina, evidenced by certificate numbered 19123 for sixty-five (65) shares and certificate number 31788 for three (3) shares, registered in the name of Tucker & Co., and presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account for J. Henry Schroder & Co., London, England, together with all declared and unpaid dividends thereon.

c. Sixty-eight (68) shares of \$25.00 par value Class B common stock of Cannon Mills Company, Kannapolis, North Carolina, a corporation organized under the laws of the State of North Carolina, evidenced by a certificate numbered 3239, registered in the name of Tucker & Co., and presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account for J. Henry Schroder & Co., London, England, together with all declared and unpaid dividends thereon.

d. Five (5) shares of \$15.00 par value capital stock of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York 20, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 111309, registered in the name of Johann Vossmeier, and presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account for J. Henry Schroder & Co., London, England, together with all declared and unpaid dividends thereon.

e. One Hundred (100) shares of \$25.00 par value common stock of the Lehigh Portland Cement Company, Allentown, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by a certificate numbered 3243, registered in the name of Tucker & Co., and presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account for J. Henry Schroder & Co., London, England, together with all declared and unpaid dividends thereon.

f. One Hundred (100) shares of no par value common stock of National Dairy Products Corporation, 230 Park Avenue, New York, New York, a corporation organized under the laws of the State of

Delaware, evidenced by a certificate numbered 694156 for twenty (20) shares and a certificate numbered 694157 for eighty (80) shares, registered in the name of Tucker & Co., and presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account for J. Henry Schroder & Co., London, England, together with all declared and unpaid dividends thereon.

(g) Forty (40) shares of \$100.00 prior preferred series A 6% cumulative stock of Republic Steel Corporation, Republic Building, Cleveland, Ohio, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered 11193, registered in the name of Tucker & Co., and presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account for J. Henry Schroder & Co., London, England, together with all declared and unpaid dividends thereon.

h. Fifty-one (51) shares of \$25.00 par value capital stock of the Standard Oil Company, 30 Rockefeller Plaza, New York 20, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered 554868, for one (1) share and certificate numbered 638395 for fifty (50) shares, registered in the name of Johann Vossmeier, and presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account for J. Henry Schroder & Co., London, England, together with all declared and unpaid dividends thereon.

i. One hundred (100) shares of no par common capital stock of the West Penn Electric Company, 50 Broad Street, New York 4, New York, a corporation organized under the laws of the State of Maryland evidenced by a certificate numbered 7009 for twenty-five (25) shares, registered in the name of Tucker & Co., a certificate numbered 7010 for fifty (50) shares, registered in the name of Tucker & Co., and a certificate numbered 6964 for twenty-five (25) shares, registered in the name of Johann Vossmeier, and presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account for J. Henry Schroder & Co., London, England, together with all declared and unpaid dividends thereon.

j. One (1) scrip certificate for twenty-five one-hundredths (25/100ths) of a share of no par value common stock of the Cannon Mills Company, Kannapolis, North Carolina, a corporation organized under the laws of the State of North Carolina, said scrip certificate numbered 2747, in bearer form, and presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account for J. Henry Schroder & Co., London, England, together with any and all rights thereunder and thereto.

k. One (1) scrip certificate for fifty two-hundredths (50/200ths) of a share of \$25.00 par value common capital stock of the Standard Oil Company, 30

Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of New Jersey, said scrip certificate numbered 153351, in bearer form, and presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, in an account for J. Henry Schroder & Co., London, England, together with any and all rights thereunder and thereto.

l. That certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, arising out of a Current Account Credit Balance entitled J. Henry Schroder & Co., 145 Leadenhall Street, London, E. C. 3, England, Sub-account: J. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

m. That certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, arising out of a Current Account entitled Johann Vossmeier and/or Heinrich Vossmeier, maintained at the aforesaid banking corporation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heinrich Vossmeier, also known as Heinrich Vossmeier, and the personal representatives, heirs, next of kin, legatees and distributees of Johann Vossmeier, also known as Johann Vossmeier, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Johann Vossmeier, also known as Johann Vossmeier, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 9, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5067; Filed, June 23, 1949;
8:52 a. m.]